United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, FRIDAY, SEPTEMBER 8, 2000 No. 104

House of Representatives

The House was not in session today. Its next meeting will be held on Monday, September 11, 2000, at 12 noon.

Senate

FRIDAY, SEPTEMBER 8, 2000

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, in whose presence the dark night of the soul of worry is dispelled by the dawn of Your love, we thank You for helping us overcome our worries. You have taught us that worry is like interest paid on difficulties before it comes due. It's rust on the blade that dulls our capacity to cut through trouble and lance the infection of anxiety. Your Word is true: Worry changes nothing but the worrier and that change is never positive. Worry is impotent to change tomorrow or redo the past. All it does is tap our strength. We confess that we fear the problems and perplexities that we may have to face alone. Our worry is really loneliness for You, Dear God. In this moment of prayer we surrender all our worries to You and thank You for Your triumphant promise: ''Do not be afraid—I will help you. I have called you by name—you are Mine. When you pass through the deep waters, I will be with you; your troubles will not overwhelm you.''—Isaiah 43:1–2 Contemporary translation. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JUDD GREGG, a Senator from the State of New Hampshire, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from New Hampshire is recognized.

SCHEDULE

Mr. GREGG. Mr. President, today the Senate will resume debate on the China PNTR legislation. Amendments are expected to be offered throughout the day. Any votes ordered with respect to those amendments will be scheduled to occur on Monday or Tuesday of next week.

If significant progress can be made during today's session, votes will be postponed to occur on Tuesday morning. Therefore, those Senators who have amendments are encouraged to come to the floor during today's session. It is hoped the Senate can complete action on this important trade bill as early as Wednesday of next week.

On behalf of the leader, I thank my colleagues for their attention.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Massachusetts is recognized.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MEDICARE PRESCRIPTION DRUG COVERAGE

Mr. KENNEDY. Mr. President, senior citizens need a drug benefit under Medicare. They've earned it by a lifetime of hard work, and they deserve it. It is time for Congress to enact it. The clock is running out on this Congress, but it is not too late for the House and Senate to act.

AL GORE and George Bush have proposed vastly different responses to this challenge. The Gore plan provides a solid benefit under existing Medicare. The Bush plan, by contrast, cannot pass the truth in labeling test. His plan is not Medicare—and it is not adequate. It is too little, too late. It puts senior citizens needing prescription drug coverage at the mercy of unreliable HMOs.

And it is part of a proposal to privatize Medicare that will raise premiums and force the most vulnerable elderly to give up their family physician and join HMOs.

Senior citizens need help now. AL GORE's plan provides prescription drug coverage under Medicare for every senior citizen in 2002—the earliest date such a program could realistically be implemented.

Under the Bush plan, there is no Medicare coverage of prescription drugs for four years. Instead, Governor Bush proposes a block grant to states for low-income seniors only. Less than one-third of seniors would even be eligible. Only a minority of those who are eligible would participate. Senior citizens want Medicare, not welfare. AL GORE's plan recognizes that. George Bush's plan does not.

On this chart, we see the differences between the two programs. This effectively, in under Vice President GORE, would go to the year 2002—a little over a year from where we are now. Under the Bush program, effectively it will go in 4 years after enactment. It would be a block grant that would go to the States to deal with those neediest among our poor. But it would effectively leave out 29 million Medicare recipients.

Under the Gore program, you have guaranteed benefits. What does ''guaranteed benefits'' mean? That means a senior goes into a doctor's office. The doctor says that you need XYZ drug. They could prescribe it, and the individual patient is going to be assured of it.

Under the Bush program, under the HMO, which particular prescription drugs are going to be included? Just like it is under the HMO, to make a decision on what the premium is going to be, what the copayment is going to be, and what the deductible is going to be. There isn't a person today, including Governor Bush, who can tell what the benefit package would be for a senior under his program. They couldn't tell what the deductible, what the premium or what the copay would be. Under the Gore program, they could; and it is basically under the Medicare system.

When Governor Bush says it is an ''immediate helping hand,'' that really can't pass the truth-in-labeling test. The claim is that it would help. The truth is, it is too little for too few.

Seventy percent of the Medicare beneficiaries—more than 27 million—would not be eligible for the block grant program.

Effectively what we are saying is that under the program, 27 million will not be eligible under the block grant program. Even fewer would participate. Less than 20 percent of the eligible low-income seniors currently participate in the State-run Medicare premium assistance program, which is known as SLMB. That is where the States are basically helping and assisting through Medicare to offset the premiums for the lowest income. The States have shown a remarkable lack of interest in protecting the low-income seniors, and it is very little too late. They will do much better with regard to this program. This is a matter of very considerable concern.

Again, the challenge is this ''immediate helping hand.'' We also say this can't pass the truth-in-labeling test. All 50 States must pass enabling or modifying legislation. We are going to have a different benefit package in each of the States under this particular program. Only 16 States currently have any drug insurance program at the existing time.

If you look at the CHIP experience, which was enacted in August of 1997, when the funding was already available to any of the States that went ahead and passed the law, it still took over 2 years for Texas to implement the CHIP program. We haven't even gotten the block grant money. It will have to be approved by the Congress in the future.

As Governor Bush has pointed out, many States don't have the legislation. They meet biannually, and this will require enabling legislation in the States. Beyond that, the Governors have already rejected the block grant program. The Governors rejected the State block grant program. They did so in February of this year.

If Congress decides to expand the prescription drug coverage for seniors, it should not shift that responsibility, or its costs, to the States.

That is exactly what this program does. Here are the Governors, in a bipartisan way, indicating that they didn't want to take the new administration on and the bureaucracy of trying to administer this program. They didn't want the responsibility, and they didn't want to have to put out any of the costs as well. It is a very clear indication that the Governors are not interested in this program, to have it implemented with regard to the States. The Gore plan provides the guaranteed benefits. The Bush plan leaves the benefits and premiums up to the HMOs.

We are out on the floor of the Senate trying to get a Patients' Bill of Rights up to try to make sure the HMOs are going to be responsive to the health care needs of our people in this country and do what is necessary for them as identified by the doctors and trained professionals. Here we are having a whole new program that is going to be effectively administered by the HMOs.

Under the Gore plan, there is no deductible. The Government pays for 50 percent, up to $2,000, and rising to $5,000. Premiums are limited to the cost of the services—not the profits of the HMOs. The Government and beneficiaries each pay half of the premium. There is a $4,000 limit on the out-of-pocket costs.

It seems to me we have this dramatic difference in these approaches between the two programs. Under the Gore proposal, this will be a prompt help for senior citizens, just 1 year after enactment; under Governor Bush's proposal, it will take 4 years after enactment to be put in place in the 50 different States, it will rely upon the HMOs, and it will take care of less than a third of the needs of our senior citizens.

We have a guaranteed benefit program. They have no guaranteed benefit program. We will not hear any Republican able to identify what prescription drugs are going to be guaranteed to the seniors of this country. Under the Gore proposal, whatever the doctor says is going to be necessary will be guaranteed. We have guaranteed access to the needed drugs. The doctor decides.

Mr. President, I think there is a dramatic contrast and difference.

Look at the cost under the different proposals. We find with a 25-percent premium payment under the Medicare actuaries, they have indicated there will be a rise in the premiums anywhere from 35 to 45 percent. It was because of those findings, which have been substantiated by the Senate Finance Committee, that the basic Gore program has indicated there has to be a support of at least 50 percent of the premium in order to make sure it will be universal. It is voluntary. But with this kind of a 50-percent premium offset, the best estimate is, according to the Senate Finance Committee hearings, there will be virtually a universal appeal for that. With 25 percent of premium, according to the Finance Committee hearings, they believe the increase in the cost of the premiums will rise from 35 to 45 percent.

In conclusion, we have the Federal budget commitment of $253 billion under Vice President GORE; it is $158 billion under Governor Bush. The Federal contribution to beneficiary premiums is 50 percent under Vice President GORE; under Bush, it is 25 percent.

I say to the editorial writers, read the Senate Finance Committee and the House Ways and Means Committee. Find out, in the questions and answers at those hearings, whether anyone believes with a 25-percent offset in premium—without knowing what the premium is going to be, because the premium is going to be established by the HMO—whether the overall costs in terms of prescription drugs is not going to increase anywhere from 35 to 42 percent. The proportion of our seniors participating in the drug coverage is virtually 100 percent; in the Bush program, less than half.

I think it is important to have an understanding of what is before the Congress in the Senate. We still have time to take action. We are interested in taking action. We ought to be able to develop a bipartisan effort to try to deal with the principal concerns of our senior citizens. We all know that if Medicare were being passed today rather than in 1965, a prescription drug benefit would be included. The guarantee in 1965 to our senior citizens was: Work hard, contribute into the Medicare system, and your health care needs will be attended to. We are not attending to the needs of our senior citizens. Every day that goes by without a prescription drug benefit, we are violating that commitment to our senior citizens, and that is wrong.

We have in the last 4½ weeks the opportunity to take meaningful steps to address that critical need for our senior citizens. We should not fail them. That is what I think is a fundamental responsibility we have in the Senate.

More than 900,000 senior citizens lost their Medicare under HMOs this year. Yes, 900,000 senior citizen lost their Medicare HMO coverage this year. Yet that is going to be the pillars on which this program is going to be built after 4 years; 934,000 Medicare beneficiaries lost their HMO coverage this year. Approximately 30 percent of beneficiaries live in areas with no HMOs.

In vast areas of the country, there are virtually no HMOs at all. We have

seen them leaving in droves, including the States of Connecticut and my own State of Massachusetts. It has been true in the State of Maryland. There is one HMO left in the State of Maryland. Now we have 30 percent of all beneficiaries living in areas with no HMOs.

Private insurance premiums will increase 10 to 30 percent this year. This is the principal concern. In the first 4 years, 29 million senior citizen otherwise eligible under Medicare will not be able to participate in the Bush program. After that, it will be built upon the HMOs without a defined benefit package, without any indication of what the premiums, copays, or deductibles are going to be.

The alternative is a very impressive and significant downpayment in the commitment of this country to building on Medicare. I know there are many—and probably most—who are opposed to building on Medicare, who are against the Medicare system in any event. One doesn't have to be a rocket scientist to understand that. But we believe the Medicare system has worked and is working. It has to be strengthened, it has to be improved. There are many features in terms of health care that it doesn't cover. It don't cover the eye care, dental care, or foot care that it should. It doesn't do the prescription drug coverage, which is life and death. That is the major opening.

We find under the Bush plan the benefits provided are guaranteed to not be adequate. The Bush program allocates $100 billion less to prescription drug coverage than the Gore plan over 10 years. The reason for this large gap is obvious. The Bush approach allocates too much of the surplus to tax breaks for the wealthy, and too little is left to help our senior citizens.

Under the Bush plan, the Government contributes 25 percent of the cost of prescription drug premiums—half as much as under the Gore program. In the entire history of Medicare, citizens have never been asked to pay such a high proportion of the cost of any benefit. They have never been asked to pay such a high proportion of the cost of any benefit. The nonpartisan Congressional Budget Office has estimated under the similar Republican plan passed by the House of Representatives, benefits would be so inadequate, costs so high, that more than half of the senior citizens who need help the most will not be able to participate. Any prescription drug benefit that leaves out more than 6 million of our senior citizens who need the protection the most is not a serious plan to help senior citizens.

Perhaps the worst aspect of the Bush plan is that it makes prescription drugs available to senior citizens only if they also accept the extreme changes in Medicare that would dramatically raise premiums for their doctors and hospital bills and coerce the most vulnerable seniors to join HMOs. That is not the kind of Medicare coverage and it is not the kind of prescription drug benefit the American people want.

Under Bush's vision of Medicare reform, the premiums paid by senior citizens for conventional Medicare could increase by as much as 47 percent in the first year and continue to grow over time, according to the nonpartisan Medicare actuaries. The elderly would face an unacceptable choice between premiums they can afford and giving up their family doctor by joining an HMO.

Senior citizens already have the right to choose between conventional Medicare and private insurance that offers additional benefits. The difference between what seniors have today and what George W. Bush is proposing is not the difference between choice and bureaucracy, it is the difference between choice and coercion, driven by the right-wing Republican agenda to undermine Medicare by privatizing it. On this ground alone it deserves rejection. We don't have to destroy Medicare in order to save it.

There is still time this year for Congress to enact a genuine prescription drug benefit under Medicare. AL GORE and the administration have presented a strong proposal. Let's work together to enact it. The American people are waiting for our answer.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

MEASURE PLACED ON THE CALENDAR—S. 3021

Mr. GREGG. Mr. President, let me begin by stating I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required for fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year.

Mr. GREGG. I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

HEALTH CARE

Mr. GREGG. Mr. President, ironically, I came to the floor to talk about some of Vice President GORE's proposals, specifically in the areas he is spending money. The fact he has created this Pyrhhic lockbox—not Pyrhhic, this mystical lockbox he is claiming for the extra surplus which has been identified under the new budget estimates, which is mystical because he has already spent the entire surplus plus whatever would occur as a result of the increased estimates on the surplus. In fact, according to the Budget Committee, he spent under the high estimate almost $1 trillion more than the surplus. As a result, he is significantly invading the Social Security accounts.

But having listened to the Senator from Massachusetts, I do not believe his words can go unanswered because he has, first, made a number of statements which are inaccurate about Governor Bush's proposals on the drug plans for seniors and, second, I think he has put forward the basic premise of the debate between the two parties on the issues that should be answered. Let's begin there before I go to the specifics of the areas of his presentation, which were unfortunately numerous as they related to Governor Bush's positions. The difference here is fairly simple between the two approaches.

What was very distinctly stated by the Senator from Massachusetts is that they want to create—they use the term ''universal,'' but a 100-percent program in the drug benefit area, which is totally managed by the Federal Government—100 percent. Vice President GORE wants to do for prescription drugs what Hillary Clinton wanted to do for health care generally. He wants to take ''Hillary Care,'' which is essentially a nationalization of health care, and apply it to the prescription drug program.

There are a lot of problems with nationalizing the prescription drug program, with having the Federal Government take over the senior citizens' ability to buy drugs. I think most seniors understand that having the Federal Government tell them what they are going to be able to buy in drugs, exactly what type of drug program they are going to have—and it will be one size fits all for this entire country—I think most seniors have an inherent understanding, as most Americans have an inherent understanding, that that program has some significant flaws.

One of the reasons this Congress and the American people so enthusiastically rejected ''Hillary Care'' is that people intuitively understand that taking a program and turning it over to the Federal Government to operate, specifically when that program is critical to one's well-being, as is health care, is putting at risk one's health care, by definition.

So the Gore plan is essentially a nationalization plan. The term is used ''universal, 100 percent.'' That means the Government runs it all. Well, 68 percent of the seniors in this country today already have a drug benefit. Many of them are fairly happy that they are able to go out and purchase a drug benefit that is tailored to what they need. There are, obviously, a lot of seniors in this country who need assistance in purchasing that drug benefit. There are a lot of seniors in this country today who do not have adequate coverage in drug benefits. The concerns of those seniors need to be addressed. But we don't address them by taking all the other senior citizens of this country who have set up their own

systems—and most of them come as a result of their employer continuing to cover their drug benefit as a result of their retirement—and saying to them: No longer can you participate in your employer plan, no longer can you participate in a plan which you chose which covers the needs which you and your family have. No. Now you must participate in a plan designed by Vice President GORE and a group of bureaucrats here in Washington under the guidance of the Senator from Massachusetts, and you either participate in that plan or you get nothing. When you participate in that plan, you don't get options. You have to do exactly what the Federal Government says. That can be a nightmare. That can be a nightmare, as we all know.

That is the fundamental difference. What Governor Bush has put forth is a proposal which will address the needs of seniors who do not presently have adequate prescription drug coverage and will address it in a way that allows seniors to have choices. It allows them to tailor their health care plans to what they need, not to what somebody here in Washington thinks they need. That is the difference of opinion here. There is the Washington mindset which says we in Washington actually know better than you do, John Jones out in Iowa, what you need to buy for your prescription drug benefits. It is this arrogance, this elitism that just permeates Washington and which was so precisely stated in the ''Hillary Care'' package and which is now just being repackaged with new words—''universal, 100 percent''—under the Gore drug plan.

Governor Bush has put forward a very thoughtful, very aggressive proposal in the area of prescription drugs that does address the needs of seniors who cannot afford those programs and seniors who need assistance in those programs. It was, regrettably, misinterpreted by the Senator from Massachusetts. To begin with, it doesn't start 4 years from now. It actually begins much sooner and potentially 2 years sooner than the Gore plan. The Gore plan does not go into effect until 1 year after the date of enactment, which means we are probably looking—should we have the fate of having the Vice President become President, we are probably looking at somewhere around the year 2002 before it even gets operating.

That is a pretty optimistic viewpoint. The Senator from Massachusetts said Texas took a long time to participate in the CHIPS program and all the other States took a long time to participate in the CHIPS program. What was that? That was an attempt by the Federal Government to make sure all the kids who are low income, who need insurance in this country, get health insurance. It was passed by the Congress.

Do you know how long it took this administration to put in place the regulations to manage the health care plan for children, CHIPS? They have not done it yet. They are still working on those regulations. Why have States not been able to put their CHIPS program into place quickly? Because the regulations have taken so long to get in place. They have a majority of them in place now, but it literally took years to get the regulations in place so the States could comply with them.

So the idea that the Vice President, should he be fortunate enough to be elected President, is going to put in place a drug program that is going to be managed by the same agencies that manage the present systems, that manage the health care system we have—and they couldn't even do that—is going to set up a program for the country in a prompt way is, on its face, not believable.

The fact is his plan, if he is lucky, assuming he was able to pass the nationalization of the prescription drug programs in this country, assuming he was able to inflict ''Hillary Care,'' relative to drugs, on our people, assuming he was able to get that through the Congress, there is no way that plan would be in place and operating even by the year 2002, which he claims it could be. Maybe 2003; maybe 2004.

This timeframe thing the Senator from Massachusetts talked about is just a lot of mush. The fact is, the Gore plan, by definition, cannot start until 2002, and we know, as a practical matter, the way the Federal Government operates, and especially the way HCFA operates, there is no way it will be operating until probably sometime in 2005, whereas Governor Bush has proposed a unique and creative idea. He recognizes that what we need is fundamental Medicare reform. We need to bring all the parties to the table and reach a Medicare package that will reform the whole system to get efficiencies into the system, to reduce the costs of the operation of the system, to make it work more like a system for the 21st century rather than a system designed in the sixties, which is the way it works today.

He said it is going to take time to develop that package, it is going to take time to develop that comprehensive agreement, bipartisan in nature, so let's have a bridging program and let's begin the bridging program immediately. He said one of his first pieces of legislation will be a bridging program in the area of drugs which will allow the States, during the period when the Federal Government is working out major Medicare reform, to address not only drug benefits but everything else that deals with Medicare. During the period when the Federal Government is working on that, he said let's set up a specific program that will benefit seniors who need prescription drugs as a bridging program. That program can be in place—if the Congress actually wants to get to work, that program can be in place by March of next year.

There is a distinct difference in timeframe, yes. The difference is, under the Gore proposal, which is nationalization of the prescription drug program, which is ''Hillary Care'' for the prescription drug program, it puts all seniors in America under one system managed by the Federal Government. We know it is going to be a bureaucratic disaster and there are going to be a lot of delays. By definition, his plan does not start for 2 years, whereas what Governor Bush suggested is that he understands Government takes time to address major issues such as this, so let's put in a bridging program and start the program early. There is a time difference. The difference is Governor Bush's plan starts a heck of a lot earlier than the Vice President's plan. The Senator from Massachusetts was wrong in that assessment.

Secondly, the Senator from Massachusetts—there are a whole series of points, and I am not going to be able to cover them all—the Governor's plan only covers 25 percent of the cost and we cover 50 percent of the cost. I remember a story told by an attorney in New Hampshire who represented the northern part of New Hampshire. He said he was once working for a logging company and sent back a report. There were five loggers at this base camp, three men and two women. One of the women married one of the men, and a report said that 50 percent of the women had married 33 percent of the men. This statistic is one of those types of statistics. It is a nice statistic. It may make sense, but if you look behind it, it makes absolutely no sense because the statistic is based on two different programs.

The Gore plan, yes, covers 50 percent of the cost, but what it says is every American must use the federalized system of drug care. As I mentioned earlier, 68 percent of senior citizens already have a drug program. Many of them do not need a new drug program. Some may want to opt into a new drug program if it is available, but many of them do not. They are quite happy with what they have from their company which continued to cover them after they retired. If they have to pay 50 percent now under a Federal program, it actually works out for many seniors that the premium costs of the Gore plan will be higher than the premium costs which they have for their present drug program.

If one looks behind this 50-percent number, it becomes very clear that it is not a positive number for seniors, it is very negative for a lot of seniors who will end up paying more for their drug benefit than they pay today because they are going to be put in a Federal plan where the premium costs more than the premium they have today, and they do not have any choice, they have to go into the Fed plan. Why? Because AL GORE knows better; because the Members on the other side of the aisle know better; they are smarter than the rest of Americans; they

should design the plan for the rest of Americans, and it should be run out of Washington. It is called elitism and, as I said, it permeates this city. Whereas under Governor Bush's plan, yes, 25 percent of the premium will be picked up by the Federal Government, but he also said this is an option, this is not a requirement. In other words, a senior will take that option if it is a better deal than what they already have.

He has also said that for low-income seniors, people at 175 percent of poverty, his plan covers all the premium. So let's not have any of this class warfare jargon we have been hearing from the other side of the aisle through their convention and since then. Actually, Governor Bush said he will cover all the premium for people up to 175 percent of poverty; the Vice President said he is only going to cover all the premium up to 150 percent of poverty. Governor Bush has exceeded, for low-income seniors, the assistance that will be given.

This 25–50 percent is a nice number, but it has no relevance to reality because they are two different plans which have two huge, different impacts on the flow of events around how this is covered.

Then the Senator from Massachusetts went on to say that block grants are a terrible idea generally, which has always been the theory coming from the other side of the aisle because they do not like to give States any authority, and especially in this instance it is a bad idea because of, as I mentioned earlier, the time lag between when the block grant is created and when the States will be able to operate under it.

The point is, once again, that is a Democratic approach to a block grant. A Democratic approach to a block grant is: We will give you the money, but we will set up a whole bunch of strings in Washington which you have to comply with before you get the money. Governor Bush's proposal is a real block grant. ''Block grant'' has become a pejorative. It should not be a pejorative. It is a return of funds to the States, and it says to the States: Manage these funds for low- and moderate-income seniors so they have a drug program.

I happen to think States are going to do that more effectively than HCFA has done their job in a variety of different areas, or the other Medicare activities that have occurred. I am willing to put the State of New Hampshire up against the Federal bureaucracy in health care any day of the week, and I can absolutely assure you that New Hampshire citizens are going to get a lot better care when the State of New Hampshire is making the decisions than when some bureaucrat in some building in Washington is making decisions under the guidance of Hillary Clinton or under the guidance, in this case, of Vice President GORE. Why can I say that? Because it is a fact. It is the way it works today. We have seen it time and time again.

This proves the point of what I am saying: that HMOs have been dropping their participation like flies, radically. The Senator from Massachusetts pointed out that HMOs have been moving out of States, as they have in New Hampshire—senior HMOs, Medicare HMOs. That is absolutely right. Why? Because the Federal Government under this administration shortchanged the reimbursement to HMOs. HCFA specifically undercut the ability of Medicare HMOs to function because they would not reimburse Medicare HMOs at a reasonable rate.

It has become such a crisis that before this Senate adjourns and before this Congress adjourns, we are going to adjust that. Unfortunately, so much of the damage has been done by this administration's Health and Human Services Department that I am not sure we are going to recover the HMOs. He is proving my point by saying the HMOs are falling out of business. It is another classic example of a statement which, on its face, may make sense, but if you look behind it, just the opposite is the fact.

It is like another story in New Hampshire, another legal story, which is the guy who shoots his parents and then goes to the court and claims he is an orphan and throws himself on the mercy of the court. The administration is shooting the Medicare HMOs, left and right, because they will not reimburse them. Then they come here and say: Oh, the Medicare HMOs are falling off; therefore, plans can't work because they might use Medicare HMOs. It is a little hard to accept that logic. And it is especially inappropriate for that argument to be made, in my opinion, from people in this administration.

So beyond the specific errors of the statement, which I think were considerable as they related to Governor Bush's proposal, and which I have tried to outline—I am sure I have not hit them all because I am not that intimately familiar with the entire package; but even with general familiarity, I noticed a number of mistakes—beyond that, it really does come back to this basic philosophical difference: Do we want to give our senior citizens in this country the opportunity to have quality prescription drug coverage, which they get to choose, and have some part in the participation, in making decisions as to what it will be, what type of coverage they want, and how much it will benefit their families, or do we want to nationalize the prescription drug care process in this country, and have what is essentially another slice of ''Hillary Care'' put upon the Nation?

That is the difference. That is the difference between these two approaches. Both approaches try to address the needs of the low- and moderate-income seniors and give them adequate health care and drug coverage. Governor Bush's proposal does a little better job because he takes 175 percent of poverty and covers all the premiums up to that, and Vice President Gore's proposal only goes to 150 percent of poverty.

So we are not talking anymore about whether or not low-income seniors are going to have adequate drug care. We are talking about timing. Governor Bush's proposal moves a lot quicker than Vice President GORE'S in getting the money out and getting support to seniors.

But what we are really talking about is the ability of seniors to play a role and have participation in the choice of the drug care they get as versus having the Federal Government doing it all.

So that is a response to Senator KENNEDY's comments on drugs, which I guess we are going to hear a lot more about, and which I am sure the Senator will have a response to my response, if he decides he deems it worthwhile.

I was going to discuss this other issue, so let me quickly discuss it. I know the Senator from Idaho has been very patient.

I do have to make this one point that this chart illustrates which is that the Senate Budget Committee took a look at the Vice President's proposals. Anybody who has been listening to the Vice President wandering around the country knows he has gone to just about every interest group in this country and has suggested money he will spend to assist them in some program, which is his right and, obviously, his philosophical viewpoint. But at some point you have to pay the piper. You have to add those numbers up.

So the Senate Budget Committee added those numbers up. When you get to the bottom line, which is shown on this chart, the surplus, over the next 10 years, which is $4.5 trillion, is entirely spent.

We have heard a lot from the Vice President about how Governor Bush's proposal of the $1.3 trillion tax cut, which is about a quarter of the entire surplus, is going to eat up the surplus and, therefore, not leave anything for anybody else. But what we do not hear about, because maybe the press has not focused on it because it is a lot of numbers—but they can now go to the Senate Budget Committee numbers and focus on it fairly easily—is that Vice President GORE has already spent the surplus. He has spent the entire surplus.

If you use the low range, he has overspent the surplus by $27 billion. That is the low range. That is if you give him every benefit of the doubt. If you use the high range, which is not an outrageous high range—if it were my high range, it would be a lot higher than this is from the Budget Committee; and they tend to be fairly conservative number crunchers up there—it comes up to $900 billion, almost $1 trillion, that he has spent that exceeds the surplus. From where does that come? That comes from Social Security. That is what you end up hitting.

There are a couple numbers on this chart that stand out like sore thumbs

that I want to mention quickly, and then I will stop.

First, the tax cut relief. In the entire Gore package—we have a $4.5 trillion surplus—do you know how much tax cut relief there really is? The Vice President says he has $500 billion, but that is, once again, one of these numbers which, if you look behind it, is not really there. The net tax cut relief in his package is $147 billion out of a $4.5 trillion surplus.

The American people are paying $4.5 trillion more to the Federal Government than the Federal Government needs to operate. That is what the surplus is. Everyone in this room, everyone in America who pays taxes is paying taxes which the Federal Government does not need to operate. It adds up to $4.5 trillion. And all that the Vice President can agree to give back in the way of a tax cut—and it is not really a tax cut, returning taxes that do not need to be paid—is $147 billion out of $4.5 trillion. It is incredible.

That number distinctly reflects the view that any money that comes to Washington is not the money of the taxpayers; it is the money of the people who live in Washington. It is the Vice President's money; therefore, he does not have to give it back. It is the Government's money. They don't have to give it back. Not in my view. Not in Governor Bush's view, which is that it is the taxpayers' money. It comes out of your pocket. It is your taxes. It is your money. If the Government has too much of it, let's give it back.

The second item that I want to highlight is this retirement savings plus plan, which is a brand new major entitlement of huge proportions and a massive increase on the next generation. This is only a 10-year number shown on the chart. That number explodes, as you move into the outyears, into trillions. It is the most significant major entitlement ever put on the books of the American Government, in my opinion—if it were to pass. It will exceed Medicare by a huge function in the outyears, as we head toward the year 2030, I believe. But it will at least be competitive with Medicare as a massive new entitlement program.

Who is going to pay it? The next generation. Our kids. My daughter who just got her first job. She is out of college, which we are very happy about because we don't have to pay tuition. She got a job, which we are even more happy about. Unfortunately, around about 10 or 15 years from now, assuming she keeps her job, she is going to be paying taxes at an outrageous rate in order to support a brand new entitlement put on the books by Vice President GORE, if he should become President. That, to me, is a little number in there that seems little in this package, although it is huge—obviously, even in this package; $750 billion on the upper side. That is not talked about much but should be looked at by the American people as they consider who they are going to vote for in this coming election.

Mr. President, I appreciate the courtesy of the Senator from Idaho in allowing me to proceed for a little extra time.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, may I ask where we currently are in the order?

The PRESIDING OFFICER. We should be proceeding to H.R. 4444, but if the Senator wishes to speak on a different subject, he certainly can ask unanimous consent to do so.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for as much time as I consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I thank the Senator from New Hampshire, first of all, for being on the floor this morning to discuss what I think is a very important issue. For any of us who were listening to the Senator from New Hampshire and the Senator from Massachusetts, let me see if I can get this together.

If you are for the Gore prescription drug health plan, then you are going to have a major premium increase, and you may get the plan in 8 years. It will be a Government plan, and it will be a major Government takeover of health care for the seniors in this country. And it will be limited to no choice.

If you accept what Governor Bush is proposing, then you have a substantially greater choice. The plan is back to the States, where doctors and nurses and local health care delivery systems deliver it, and you do not move toward a major federalization of health care.

We had this debate in 1992 and 1993. About 70 percent of the citizens of the country said: We don't want the Federal Government as the deliverer of health care and health care components, including prescription drugs.

Is there a difference in the debate today? Not at all. Do the seniors of America want the Federal Government to control their health care or do they want to control it themselves with optimum choices, similar to what we as employees of the Federal Government have today? The Federal Government doesn't control our health care. We choose. We pay some premium, obviously, to offset the costs, and we have choice in the marketplace.

I think as the debate goes on through September and October, the clear differences will come out, and they will be very simple. I think it is important that we think of it that way. It is called ''Gore and the Federal Government and health care,'' or ''George W. Bush and you and your choice at the local level delivering health care for yourselves with optimum choices and flexibility.''

THE DEMOCRATS' STRATEGY

Mr. CRAIG. Mr. President, I have to respond to something that was in today's USA Today paper, September 8. I know the Presiding Officer is a member of our leadership. Let me, for a few moments, tell you what he and I are going to expect in the final month of this Congress. I am quoting now an article about Senate minority leader TOM DASCHLE. It is reported here that they have a simple strategy; the Democrats have a simple strategy for winning the final negotiations over spending.

In other words, they want to spend more of your money than we are proposing to be spent by some billions of dollars. Here is their strategy, and he admitted it: Stall until the Republicans have to cave in because they can't wait any longer to recess. That means shut the Congress down and get out on the campaign trail. Why? Well, because 18 of the 29 Senators seeking reelection are Republicans this year and 11 are Democrats, and there are a lot of vulnerable Republicans, according to Senator DASCHLE. He says, ''We only have one vulnerable Democrat, and he happens to be just across the river.'' I think he was probably referring to Senator CHUCK ROBB.

Well, if that is the strategy of the Democrats, let me repeat it because that is what they have been doing for 3 long months: Stall, stall, stall. Yet they turn around and tell our friends in the press it is a ''do-nothing Congress.'' I don't see how the press can mix that one up as much as they have. You have the minority leader of the Senate admitting that their strategy for the balance of September will be to stall until the Republicans cave.

Thank you, Mr. DASCHLE, for telling us your plan. We will attempt to offset those by working as hard as we can. It probably means we will be working late into the night so that we can get the work of the Congress done, get our appropriations bills finished, deal with the most important trade issue that is on the floor—PNTR—and that is, of course, permanent normal trade relation status for China.

THE PRESIDENT IS BEGGING FOR OIL

Mr. CRAIG. Mr. President, for a few moments this morning, before we get on with the debate on PNTR, I want to deal with an issue happening in New York City right now. Our President is up there at the United Nations Millennium Summit. Mr. President, there is something going on on the side. In a back room, the President of the United States has been sitting down with a Saudi Arabian sheik. Here is why: He is begging. The President of the United States is begging a Saudi sheik to reach over and turn their oil spigot on a little more and increase their output of oil by about 700,000 barrels a day. Why? Because in the last few days, crude prices have spiked to an all-time high of $35.39 a barrel.

Why has that happened? Because the market has analyzed that there isn't enough oil and the demand is ever increasing, and there is no strategy in

this country to solve it. In May and June of this year, the President tried to cover his tracks by sending the Secretary of Energy to Saudi Arabia to beg, tin cup in hand. At that time, I think the press called it the ''tin cup energy policy'' of this administration. Well, today in New York City, behind closed doors, the President of the United States—this great and all-powerful country—is begging a small country in the Middle East for just a little more oil.

Here is what the market analysts are saying. They have said that they fear that even the 700,000-barrel increase will not be enough to curb the jump in prices for crude oil contracts in the futures market. I mentioned yesterday they jumped to $35.39 a barrel. That is a phenomenal spike. This price is the highest since, of course, the battles of the Persian Gulf war of 1990. Why is this happening? Well, many of us stood on the floor in May and June and July and discussed the energy of our country and our energy needs. We were very frustrated at that time because we had 8 years of no energy policy. You know, AL GORE has been OPEC's best friend. There is no question about that. This administration and Vice President GORE, during their tenure in office, have allowed domestic oil production to drop by 17 percent and oil imports to go up by at least 14, and maybe as high as 20 percent. Oil imports averaged about 56 percent of all of our consumption, and now they are predicted to be well over 64 percent in the year 2020.

Of course, there is a simple reason for that: For 8 long years, this administration has had no policy. Let me tell you what Vice President AL GORE has said. He says he wants to increase the use of natural gas, although it has nearly quadrupled in price. Yet he wants to cancel existing leases. Here is his quote:

> I will do everything in my power to make sure there is no new drilling, even in areas already leased by previous administrations.

Here is a man asking to be President of the United States; yet he is out in the field today campaigning and saying: I guarantee you there will be no more increased production in this country, while his President, behind closed doors in New York, is begging a foreign nation to open its valves and increase production. Does it make any sense for this great Nation to be on its knees begging Arab sheiks of the OPEC nations to increase production while we go around saying we are going to decrease production?

During the Clinton-Gore administration, there has been no energy policy, no domestic oil or gas exploration or production—in 8 long years. No new oil refineries. In fact, because of a lack of policy and compliance with the Clean Air Act in this country, in the last 8 years, we have closed 36 oil refineries. That is a staggering amount. We have closed 36 oil refineries in the past 8 years. There is no new use of coal. EPA has tried to shut down coal fired plants and are now suing some in the East because they don't think they are in compliance with certain standards. There is no new nuclear power. In fact, quite the opposite has happened. We have tried here to solve the gridlock over the production of energy and electricity by nuclear power, only to have items vetoed time and again by the President.

Now, yesterday, the President said oil prices are too high. Gee whiz, Bill, where have you been all summer? You're darn right they are too high. You have done nothing about it nor has your Vice President, except to say we will shut down production. He even went on to say that it will impact not just America but it could result in a world impact, and it could result in the specter of a recession here or abroad if oil-producing countries do not raise production to bring down soaring crude prices.

Well, what about production in our country? What are you doing here, Vice President GORE? I will tell you what you are doing here. You are saying: I am not going to allow new drilling; I am going to shut off the areas where you can drill. I don't want to see more production in this country.

That doesn't make a lot of sense.

Here is GORE's new energy plan:

Don't develop proven domestic energy;

Give $75 billion in new subsidies for new renewables and new technology.

OK. Homeowner in the Northeast: You are just about to see your costs for heat this winter go up 35, or 40, or 50 percent. The message to you, homeowner, in the Northeast is: Vice President GORE is going to invest $75 billion in subsidies and in new renewables, and in 10 or 15 years you can put a solar cell up or we can put a wind machine out on the Adirondacks, and somehow we will generate this new abundance of energy.

That is the answer for the problem today. That is the answer you are being given. That will not work tomorrow. It will not work a week from now.

I support renewables. We ought to clearly drive ourselves in that direction as best we can. But my guess is when what is going on today translates into the price of gas at the pump, and when the oil truck backs up to your home in New York or Connecticut this winter and sticks the hose in the oil barrel and starts cranking in the fuel oil that will heat your home, and it is going to double or triple your fuel oil costs, if it is available, who are you going to blame? Who are you going to blame because of this dramatic increase?

My suggestion is that fingers deserve to be pointed to an administration that has had no energy policy, has worked to shut down all increased production, and, in fact, in a rather swaggering way has suggested we will not drill anymore. We will not produce anymore. It is somehow environmentally wrong to produce oil and energy in this country. That is a fundamentally critical thing with which we have to deal.

We have attempted to deal with it in the Senate. We have dealt with these issues on a regular basis. We have introduced legislation to bring about that increased production. We have suggested that these great oil reserves we still have remaining in our country be allowed to be drilled, and in an environmentally safe and sound way, that we bring our production back on line.

In the nonlarge oil producing segment of our country, a segment called stripper wells, oftentimes owned by farmers and ranchers through the Southeast, the South, and the upper Midwest—if we, by tax incentives alone, would guarantee them a margin, we could see a million barrels a day come back on line—our oil; money that stays in our country and doesn't go to Saudi Arabia to buy the limousines or the G–4 jet airplanes of the OPEC sheiks.

What is wrong with that policy, Mr. President? What is wrong with that policy, Mr. GORE? Is it wrong to support domestic production at home? I think not.

This is an issue we will spend a good deal more time with in the coming days. But I thought with this press release coming out of New York today, and we know the President has been talking with the Arab sheiks yesterday, Mr. President, Mr. Bill Clinton, quit begging. Don't beg these nations to produce. Turn our producers loose. Let us produce. Let us become the great producing country again. Let us be the masters of our own destiny. Don't apologize. And don't suggest to somebody this winter when their heating bill goes up that it is some Arab sheik's problem, that they shut the oil off. No. In the last 8 years, you have shut the oil off, Mr. GORE. You have shut the oil off, Mr. Clinton, because your policies have denied production and brought production down at a time when we were increasing consumption and were the beneficiaries of that consumption by an ever increased standard of living in our country.

I am not ashamed, nor will I apologize for the citizens of my State because they want to be consumers. But I will be angry about a government that denies the kind of production that keeps the strong economy. And that is exactly what is going on. In our great country today, the only energy policy that exists in the Clinton/Gore administration is a policy of begging, begging the producing nations of this world to please turn on the valves and give us a few more barrels of oil in hopes that it will drive the price down. The analysts say it won't.

This winter, as we grow increasingly cold, I am very fearful the citizens of the Northeast and in other cold areas, especially those who still use heating oil for their space heat, will find the price tag getting even higher, and my colleagues will be on the floor asking that we offset that with Federal tax

dollars. I will not blame them for asking that.

But once again I will ask: Where was Mr. GORE? Where was Mr. Clinton for these 8 long years when they knew the day would come that there would be no oil to burn and we would have to beg to get oil?

I yield the floor. I see the principals are on the floor to continue the debate on PNTR with China. I hope we can move that expeditiously today. Thank you.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA

The PRESIDING OFFICER. (Mr. CHAFEE). Under the previous order, the Senate will resume the consideration of H.R. 4444, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

The Senate resumed consideration of the bill.

Pending:

Wellstone amendment No. 4118, to require that the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection.

Wellstone amendment No. 4119, to require that the President certify to Congress that the People's Republic of China is in compliance with certain Memoranda of Understanding regarding prohibition on import and export of prison labor products.

Wellstone amendment No. 4120, to require that the President certify to Congress that the People's Republic of China has responded to inquiries regarding certain people who have been detained or imprisoned and has made substantial progress in releasing from prison people incarcerated for organizing independent trade unions.

Wellstone amendment No. 4121, to strengthen the rights of workers to associate, organize and strike.

Smith (of N.H.) amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, the distinguished ranking member of the Senate Finance Committee, Senator MOYNIHAN, and myself have been here for several hours for the purpose of making progress on the consideration of the permanent normal trade relations with China. We both agreed that this is the most important vote we will face this year. In fact, it may be the most important vote we have had this decade. But I am deeply concerned that we are not having any of our colleagues making themselves available to come down to bring up the amendments that they say they want to offer.

Time is running out. This is the third day we have been on this bill. I thought we made some very good progress yesterday. We considered a number of amendments. But it is absolutely critically important that we continue to make that kind of progress today and next week.

I point out that the regular order of business is that if there are no amendments we ought to proceed to the vote on the legislation itself.

I want every Senator to have the opportunity to offer any amendments they may care to offer because there is no question about the importance of this legislation. But we cannot wait indefinitely. I ask my friends on both sides—on the Republican side and on the Democratic side—who have amendments that they want to offer on this critically important piece of legislation to please come down now. Time is running out.

Would the Senator from New York not agree with that?

Mr. MOYNIHAN. Mr. President, I wholly agree with the statement by our revered chairman of the Finance Committee. The operative part of this measure is two pages. It is a simple statement. It came out from the Finance Committee almost unanimously.

Mr. ROTH. That is correct.

Mr. MOYNIHAN. That would be four months ago, in mid-May. There has been plenty of time to examine it. The House bill has a few additional features we find attractive and which we think we could adopt and send right to the President who would sign it. It is a bipartisan measure.

There are those who do not want this legislation.

It has been avowedly, unashamedly, and legitimately their desire to prolong the debate until time runs out. If they could just add one amendment, the measure would have to go back to the House, then to conference, then to the floor. Time would run out.

We have passed two appropriations bills. We are in a Presidential election year. That election is less than 60 days away. The desire to get back to our constituencies is legitimate and proper. Therefore, the device of delay is a legitimate, recognized, and familiar strategy.

However, this is not a matter on which to delay. The Chairman was absolutely right, this may be the most important vote we take this decade. In my opening statement, I referred to the testimony of Ira Shapiro, our former Chief Negotiator for Japan and Canada at the Office of the U.S. Trade Representative. He, just by chance, concluded his testimony, in the last testimony we heard, as it happened:

. . . [this vote] is one of an historic handful of Congressional votes since the end of World War II. Nothing that Members of Congress do this year—or any other year—could be more important.

Well, let us be about it. We look around and we are happy to see our friend from South Dakota, Senator JOHNSON, who wishes to speak on behalf of the measure. We welcome any other Member who wishes to speak. We have heard many. The real matter before the Senate is those who wish to offer amendments. A good friend, a distinguished Senator, the chairman of the Committee on Environment and Public Works, laid down a measure last evening. We had to juggle our schedule to go to the water appropriations measure. But he is not here this morning. He claimed a place—which is fine, legitimately—but the place is empty. When I arrived, as when the Chairman arrived, looking to start the amendment process, no one was here.

Now, sir, there can be only one response, and the Chairman has stated it. On Tuesday, I hope the Majority Leader will move to close debate by invoking cloture. It is a process with which we are familiar. We are not cutting off amendments; amendments will be in order afterwards. But we are sitting here asking for amendments, and none comes forward. This matter is of the utmost gravity, urgency, the issues that are in balance, and not just economic issues but political, military issues of the most important level. That is what is at stake. If nobody wishes to debate it, let's proceed to a final vote.

Mr. ROTH. Mr. President, let me say to my distinguished colleague, I could not agree more with his statement as to the importance of offering any amendments Members desire to offer. I am told we have actually been on this bill 4 days this week.

Mr. MOYNIHAN. And before we had the August recess.

Mr. ROTH. And before we had the August recess, we had discussion; that is correct.

I say to Senator MOYNIHAN, I think it is important we take some time today. I am delighted our friend from South Dakota is here. We will call upon him to make his remarks. I think it is important that the American people fully understand why this legislation is of such critical importance. It is important to our economy and to our growth. It is particularly important to provide better and more jobs to the working people of America. I can't stress how much I think it is important to agriculture in my little State of Delaware.

Mr. MOYNIHAN. Did you say the ''little State of Delaware''? Do you mean the first State to ratify the Constitution of the United States?

Mr. ROTH. You are absolutely right. I stand corrected.

In my State of Delaware, the people are waiting to see action on this.

For farmers, take poultry. It is critically important to the economy of my State. China is the second largest importer of poultry and has offered to cut the tariff in half. This makes a tremendous opportunity.

The same thing with automobiles. I bet the Senator didn't know this.

Mr. MOYNIHAN. I bet I did, sir, because I heard it from your very self

several times. I believe you are the second largest producer of automobiles in the Nation.

Mr. ROTH. We have more workers, percentage-wise, than any other State, including Michigan. There are significant concessions made with respect to automobiles.

Chemicals, likewise, are critically important to my State.

After my distinguished friend from South Dakota finishes, it might be worthwhile to spell out to the American people why this legislation is of such critical importance.

Perhaps we ought to recognize Senator JOHNSON.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I thank the distinguished Senators from Delaware and New York.

Mr. President, my purpose today is to share some thoughts about the critical importance of PNTR legislation. Because my good friend and colleague from Idaho, just prior to my opportunity this morning, discussed the role of my good colleague from South Dakota, Senator DASCHLE, relative to the timing of legislation, I do feel compelled to make a remark or two in that regard.

No one in this body has done more than Senator DASCHLE of South Dakota to move legislation forward in an expeditious and well-timed manner. Whether it is PNTR, where Senator DASCHLE has for months been trying to bring this bill to the floor, or the Patients' Bill of Rights, prescription drugs, school construction, minimum wage, and down the entire list of legislative agenda items before this body, Senator DASCHLE has been tireless in his efforts to bring them to the floor, to have consideration in a full manner. For anyone to suggest that somehow our good colleague from South Dakota would be playing some role in slowing down progress on these or other matters, I think, is a point simply not correct.

I comment as well that while the President of the United States is seeking additional fuel from Saudi Arabia, it strikes me, and strikes others who are not concerned about the partisan politics of this, that is what we would expect the President of the United States to be doing at this summit conference in New York—trying to address the various components of energy policy necessary to reduce costs and increase the availability of fuel for American consumers. If the President were not doing that, there is no doubt there would be criticism leveled at him for doing nothing to negotiate and use American leverage with our OPEC neighbors and the world.

I think some of this discussion earlier this morning has to be seen and evaluated in light of the fact that we are in this last month or two before a Presidential election. The partisan swords clearly have been drawn this morning. I should never be shocked at that, I suppose, particularly in an election year at this time of the year. But it is my hope that through all of this partisan political rhetoric, the American public will see through that. I think it is transparent.

We need to work together in a bipartisan fashion. One of the things I am pleased about this morning is the bipartisan nature of our support for permanent normal trade relations with the People's Republic of China. Our distinguished colleague, Senator MOYNIHAN, who, among his other talents, is perhaps the finest scholar in this body—for many years, many generations—has observed that this may be one of the half dozen most critically important votes that we as Senators will take since the end of World War II.

Obviously, this issue is of enormous import in terms of economic policy, economic strategy for the United States. It is a win situation for us. It is one sided. They give up limitations against the export of Americans goods. We give up nothing. But even if economic issues were a wash, even if there were not these kinds of obvious economic benefits for the United States, the geopolitical consequences of integrating the People's Republic of China's 1.3 billion people into the world rule of law, into the international community of nations to help stabilize the ongoing process of democratization and the free flow of ideas and scholars and business leaders is, in itself, reason enough for support for permanent normal trade relations with the People's Republic of China.

So I rise to express my strong support for H.R. 4444, legislation which would grant PNTR to the People's Republic of China. In the past, Congress has had to pass legislation each and every year to ensure mutually beneficial relations between our two nations. Now we have reached the point where permanent normal trade relations with the People's Republic of China is appropriate and will help pave the way for the World Trade Organization, WTO, membership for the PRC, and will strike a blow for the rule of law throughout the world.

I am joining the leadership of both parties to oppose all amendments to PNTR, due to the very late stage of the congressional session in which we are taking up this bill. Many Senators will offer important amendments to H.R. 4444 concerning worker's rights, religious freedom, and human rights in the PRC. I support efforts to improve China's human rights record, the right of workers to organize, and religious freedom in China. But, I believe that jeopardizing H.R. 4444 is exactly the wrong approach. As a nation, we have attempted to promote global human rights, democracy, freedom of speech, and freedom of religion. While each nation ultimately determines for itself whether to pursue democracy and other American-supported values, I support efforts to open China to trade with democratic cultures. I am also opposed, obviously, to religious persecution and will support efforts to discourage it in China. However, there are other pieces of legislation that can be used to achieve these goals. The PNTR bill must be adopted in an amendment-free fashion if we are to avoid its ultimate defeat. With few days remaining in Congress, a PNTR bill adopted by the Senate that differs from the clean bill passed in the House of Representatives would force us to convene a conference committee to iron out the bill's differences. The result—significant delay which would be compounded by the margin in which the House adopted H.R. 4444 in May. Sending PNTR back to the House for another vote very likely means its ultimate defeat for this year. At this late stage in Congress, that is not an acceptable strategy for any of us to endorse.

It is true this vote is of significant importance to family farmers, ranchers, and independent businesses in South Dakota and the entire country. However, this vote means much, much more—I believe this vote signifies one of the most critical geo-political votes the U.S. Senate will take since World War II.

China, with its 1.2 billion people and one of the fastest growing economies in the world, needs to be required to live by the discipline of international law. That is what World Trade Organization—[WTO] membership would mean. China would have to open up its agricultural and other markets to the world, and it would not be permitted to violate international rules on copyright or patents. As a result of PNTR, I believe the presence of western consumer products, the exchange of democratic principles, and the free flow of ideas via technology and internet communication will do more to undermine authoritarian aspects of China's government than any kind of isolation could possibly accomplish—particularly unilateral isolation on the part of the United States. I feel very strongly that we need to build more bridges of understanding and cooperation between western democracies and the PRC, rather than work for the contrary. In the meantime, the biggest winners of all in establishing the same normalized trading relationships with China that we have with almost every other nation on the planet will be American farmers and ranchers and small businesses.

The bilateral deal struck between the United States and China on November 15, 1999 is a completely one-sided trade agreement. China will be required to allow more of our goods into their country, while the United States will not be required to change a thing. Frankly, a failure to enact PNTR will simply mean that every other country in the world would have open access to Chinese markets, but the United States would have virtually none. Since the United States has few barriers to trade, and current trade restrictions are almost exclusively on the part of China and other nations, WTO agreements in

general are overwhelmingly to the benefit of the United States.

I have been to China and witnessed first-hand the opportunities for greater market access there. Since 1998, I have facilitated a series of trade missions to improve relations with China. The relationships we have built in this course of time may open markets for the farmers and ranchers of South Dakota and the United States.

In March of 1998, my office hosted senior trade and agriculture officials from the Chinese Embassy on a trade mission to South Dakota. The officials toured the John Morrell meatpacking plant in Sioux Falls, the South Dakota Wheat Growers Cooperative in Aberdeen, and the Harvest States Feed Mill in Sioux Falls. During their visit, the Chinese trade officials also witnessed the ingenuity of South Dakota businesses like Gateway of North Sioux City, Daktronics of Brookings, and Wildcat Manufacturing of Freeman. The officials were impressed with our diversified economy and the quality and pride in our products.

In a follow-up mission, in December of 1998, I led a delegation of South Dakota farmers to the PRC. We met with trade officials and scholars at the Ministry of Agriculture, Beijing University, and Ministry of Foreign Trade and Economic Cooperation.

Finally, in May of 1999, a 29-member delegation of Chinese trade officials traveled to South Dakota at my request to further explore agricultural trade opportunities. These Chinese officials met with farm group leaders, toured farming and ranching operations, and visited the South Dakota Soybean Processors plant near Volga.

My visit to China, and discussions with Chinese trade officials, indicate that family farmers and ranchers in South Dakota are ideally situated to help satisfy the needs of China's 1.2 billion residents, who exhibit a growing appetite for a more sophisticated diet. China's agricultural production capabilities just cannot satisfy their people's needs right now, especially considering the country represents a mere 7 percent of the world's arable land.

South Dakota agricultural exports in 1998 reached $1.1 billion and supported nearly 17,000 jobs. While Congress needs to place a much greater emphasis on improving domestic policies—like reforming the 1996 farm bill—greater access to closed-off markets will provide a boost to our agricultural economy too. Two-thirds of the prosperity or decline in South Dakota agriculture still depends upon a fair marketplace price here at home. I believe Congress has failed to make common sense reforms to the farm bill which may allow farmers to take advantage of a fair market. Nonetheless, one-third of our agricultural economy requires trade with other nations. Under the agreement we struck with China, South Dakota farmers and ranchers will no longer have to compete with unfair tariffs, unscientific bans, and export subsidies on China's agricultural goods.

Beef cattle receipts represent the largest share of South Dakota's agricultural economy. China currently imports very little beef, but a growing middle class and rising demand from urban areas are expected to result in significantly increased demand for beef imports. China has agreed to lower tariffs on beef meat products from 45 to 12 percent, which may mean better returns for independent cattle ranchers in South Dakota. In addition, tariffs on pork imports into China will decline from 20 to 12 percent, aiding South Dakota's pork products as well.

Wheat farmers in South Dakota desire greater access to the Chinese marketplace. As a result of our agreement with China, they will eliminate their unscientific ban on Pacific Northwest wheat imports from the United States. They will also agree to a substantial increase in the amount of wheat they purchase under their tariff rate quota. In 1998 China imported a mere 2 million metric tons of wheat. Our agreement will allow China to purchase up to 9.6 million tons of wheat below tariff rate quotas. In fact, in February of this year, China bought nearly 800,000 bushels of hard red winter and spring wheat from South Dakota and several other wheat growing states. While a relatively small transaction, their commitment to more open trade with the U.S. is exhibited with this purchase.

Furthermore, as a large soybean producer, South Dakota's soybean farmers and farmer-owned processors of soybeans will benefit from a tariff cut China agreed to make on United States soybean exports. South Dakota farmers also produce substantial bushels of feed grain and corn. China agreed to make market-oriented changes to their tariff rate quota system on corn, nearly doubling the amount of corn they import under their tariff quota rate.

While South Dakota agriculture is poised to benefit from greater trade with China, other businesses in our state are set to become major exporters under a more market-oriented trading system granted by PNTR for China as well. In fact, electronics and electronic equipment today comprise 78 percent of total South Dakota exports to China. More than half of the South Dakota firms, 58 percent, that export to China are small and mid-sized enterprises—with fewer than 500 employees—and several are family owned. China will liberalize quotas on manufacturing equipment, information technology products, and electronic goods produced right in South Dakota. This means our computer manufacturers like Gateway and equipment firms like Wildcat Manufacturing will find greater access to that nation.

From 1993 to 1998, South Dakota's exports to China nearly doubled—increasing by over 91 percent. I believe that if the Senate adopts H.R. 4444, South Dakota farmers, ranchers, and businesses will see tremendous new trade opportunities.

Now is the time for the Senate to take advantage of this historic opportunity before us. I strongly urge my colleagues to join me in supporting passage of a clean PNTR bill so that it can be sent to the President and signed into law in a proper fashion.

Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President, if the Senator from Kentucky will indulge me for a 90-second comment, I thank my friend from South Dakota for that superb address of the importance of a mixed economy and the contacts they already have. I ask to be indulged a moment from an academic past.

I was once a colleague and remained a good friend of Raymond Vernon, an economist who developed the theory of the product cycle: How a product begins to be produced in one nation, then will be exported, consumed abroad, then produced abroad and exported back. This goes on.

The soybean—I now have to invoke my age in this regard. I remember as a boy in the 1930s reading in the Reader's Digest about this magic little bean that was grown in China and contained proteins of unimaginable consequence and would some day come to our country and be grown, and we would all be so much healthier and happier.

That happened, and now those very Chinese are coming to South Dakota negotiating the sale of soybeans back to China. This is Vernon's product cycle, part of the dynamism of trade. It is never one way. It goes back and forth, not to be feared, not by us. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise in opposition to granting permanent normal trade relations to China, and in support of Senator THOMPSON's China Non-proliferation Act.

It is a sad time in the Senate. Soon we are going to vote on extending permanent normal trade relations—PNTR—to China. And it looks like it is going to pass.

If we grant PNTR and give our seal of approval to China's application to join the World Trade Organization, Congress will not only relinquish its best chance to scrutinize China's behavior on a regular basis, but it will also give away what little leverage we have to bring about real, true change in China. I think that is a serious and dangerous mistake.

For years, we have been able to annually debate trade with China in Congress, and to use the debate to discuss the wisdom of granting broad trade privileges to Communist China.

When the Chinese troops massacred the students in Tiananmen Square, or when the Chinese military threatened democracy on neighboring Taiwan, or when revelations came to light about China spreading weapons of mass destruction to terrorist nations, we had a chance in the House and Senate to shine the spotlight on Communist China.

I served on the House Ways and Means Committee for 8 years, and

every year we debated most-favored nation trade—so-called MFN status—for China. Supporters of MFN always had the votes to pass it, but it was still an important opportunity to focus attention on China's misdeeds and to make sure the American public knew about China's dirty little secrets. Now we are going to lose that ability.

I would like to take some time today to talk about why we should not grant PNTR to China and explain my reasons for opposing it. While I know that the votes are probably there to pass PNTR, I want to lay out for the record what is at stake and also to argue that we should at a minimum take the step of also passing Senator THOMPSON's bill to maintain some semblance of accountability for Communist China.

First, let's look at China's record when it comes to arms control and the spread of weapons of mass destruction.

There is no doubt that China's practice of making weapons of mass destruction available to rogue states like North Korea, Iran, and Libya has made the world a more dangerous place.

The commission led by Former Defense Secretary Donald Rumsfeld that recently examined this problem pointed out in its final report that China is ''a significant proliferator of ballistic missiles, weapons of mass destruction and enabling technologies.''

We know Communist China has sold nuclear components and missiles to Pakistan, missile parts to Libya, cruise missiles to Iran, and that it shared sensitive technologies with North Korea.

In the last few months it has even been reported in the press that China is building another missile plant in Pakistan, and is illegally using American supercomputers to improve its nuclear weapon technology.

Many of these technologies are being used by enemies of America to develop weapons of mass destruction and the means to deliver them.

In short, Beijing is guilty of spreading the most dangerous weapons imaginable to some of the most treacherous and threatening states on the globe.

That is about as bad as it gets.

From experience, we know that China doesn't change its policies just because we ask them to. China only makes serious non-proliferation commitments under the threat of the actual imposition of sanctions.

We have to hold their feet to the fire. A memorandum from the assistant director at the Arms Control and Disarmament Agency to the Clinton White House in 1996 makes the case:

> The history of U.S.-China relations shows that China has made specific non-proliferation commitments only under the threat or imposition of sanctions. Beijing made commitments [to limit missile technology exports] in 1992 and 1994, in exchange for our lifting of sanctions.

Over the years, it is only when the United States has clearly brought economic pressure to bear on China that we have seen real, hard results from Beijing.

For instance, economic pressure in the late 1980s and early 1990s led to China's agreement to sign the nuclear non-proliferation treaty in 1992.

In 1991, the Bush administration applied sanctions against China after Beijing transferred missile technology to Pakistan. Five months later, China made the commitment to abide by the missile technology control regime.

In 1993, the Clinton administration imposed sanctions on Beijing for the sale of M–11 missile equipment to Pakistan in violation of international arms control agreements. Over a year later, Beijing backed down by agreeing not to export ground-to-ground missiles in exchange for our lifting of sanctions.

Time and time again we have seen that Chinese respond to the stick, and not the carrot. And this experience certainly points to the fact that the threat of sanctions like those in the Thompson bill, and not the olive branch of greater trade, is what the Chinese will respect.

Beijing's behavior has not been much better when it comes to democratic Taiwan.

I have been to Taiwan, and seen how its commitment to democracy and the free market has enabled that country to build one of the most vibrant economies in the world.

Taiwan is a friend of the United States and a good ally.

But time and time again Communist China has rattled its saber and threatened the very existence of free Taiwan. Less than 5 years ago, China actually fired missiles over Taiwan.

Since then China has conducted a massive military buildup across the Taiwan strait.

Last year, CIA Director Tenet reported to Congress that while China claims it doesn't want conflict with Taiwan, ''It refuses to renounce the use of force as an option and continues to place its best new military equipment across from the island.''

This belligerent attitude threatens not only Taiwan, but more ominously relations throughout East Asia.

The Pentagon's 1998 East Asian strategy report notes that many of ''China's neighbors are closely monitoring China's growing defense expenditures and modernization of the People's Liberation Army, including development and acquisition of advanced fighter aircraft; programs to develop mobile ballistic systems, land-attack and antiship cruise missiles, and advanced surface-to-air missiles; and a range of power projection platforms.''

Recently there seems to have been a thaw in relations between China and Taiwan. This is a hopeful sign. But who knows when Beijing will change course and revert to its belligerent ways. We need to help keep the pressure on.

Eliminating the annual debate on China trade in Congress will remove one of our most effective and high-profile options in pressuring the Chinese. In dealing with an adversary as tenacious and patient as China, this is exactly the wrong philosophy to adopt.

Even more ominous than threats to Taiwan have been recent signs of increased Chinese belligerence toward the United States.

In February, 1999, the CIA reported to Congress that China is developing air and naval systems ''intended to deter the United States from involvement in Taiwan and to extend China's fighting capabilities beyond its coastline.''

And we should not forget the recent threat from a Chinese general to fire a nuclear weapon at Los Angeles if the United States were to interfere in Taiwan-China relations.

There are even indications that China's military could be anticipating a confrontation with the United States.

In January, 1999, the Washington Times reported that for the first time, China's army conducted mock attacks on United States troops stationed in the Asia-Pacific region.

Intelligence also reported that United States troops in South Korea and Japan were envisioned as potential targets of these practice attacks.

President Reagan used to talk about adopting a policy of peace through strength in approaching the Russians during the cold war. That policy worked then, and it should be the policy we follow in confronting the Chinese.

All of the experts tell us that China potentially poses the strongest military and economic threat to America in the 21st century.

Passing PNTR sends the signal to China that we want trade more than we want peace.

Instead, we should heed the lessons we learned in winning the cold war and understand that the Communist Chinese are more likely to respect our strength than to fear our weakness.

Finally, the strongest case against PNTR can be made based on China's pathetic, indefensible human rights record.

Let me quote from the very first paragraph of our own State Department's most recent report on human rights in China:

> The People's Republic of China is an authoritarian state in which the Chinese Communist Party is the paramount source of all power. At the national and regional levels, party members hold almost all top government, police and military positions. Ultimate authority rests with members of the Politburo. Leaders stress the need to maintain stability and social order and are committed to perpetuating the rule of the Communist Party and its hierarchy. Citizens lack both the freedom peacefully to express opposition to the party-led political system and the right to change their national leaders or form of government.

The report goes on to note that in 1999:

> The government's poor human rights record deteriorated markedly throughout the year, as the government intensified efforts to suppress dissent, particularly organized dissent.

That is our own State Department saying that. It doesn't sound like a nation that we want to encourage with expanded trade privileges.

Many of my friends in this body argue that China is making progress on human rights, and that expanded trade and western influence will help turn the tide. They tell me that in China things have improved dramatically in recent years.

I say, tell that to the tens of thousands of members of the Fulan Gong who have been hunted down and punished by Beijing over the past 2 years.

Tell that to the prisoners in China's Gulags who continue to suffer under conditions that, in our own State Department's words, are ''harsh'' and ''degrading''.

Tell that to the political dissents who are jailed out without charge only because they threaten the communist party's political dominance.

Tell that to the children who were murdered because of China's brutal one child per family policy.

Tell that to the people of Tibet.

Mr. President, all those who say that things are getting better in China and that PNTR will help improve conditions in China are wrong.

It's been 11 years since the Tiananmen Square Massacre, and the Chinese Government still carries out the same brutal, repressive tactics.

Things aren't getting any better in China. They're only getting worse.

The supporters of PNTR made the same argument year after year during the annual debates on most-favored-nation status for China. And year and year, Beijing showed no sign of changing its ways. None.

In one way, this is a hard vote for me, Mr. President. Many of my friends support expanded trade privileges for China, and they make an enthusiastic argument for expanding access to Chinese markets in order to help American business compete with their overseas competitors.

My gut reaction is to vote for free and expanded trade. In my mind, there isn't any doubt that the world is really drawing closer and closer together, and that it will be through trade that the United States can take advantage of its economic and technological advantages to maintain our dominant position in the world.

But in other, more important, ways this vote is easy is for me—because the issues are so clear when it comes to China, and because China's behavior has made it so undeserving of improved trade ties with the United States.

Mr. President, I've tried to simplify this issue in my mind and I've boiled it down to a single question that I've asked of everyone I have talked to about China trade:

Why should we give the best trade privileges possible under our law to a communist nation that so clearly threatens us and our values?

We didn't grant most-favored-nation status to Russia during the cold war. But now we are on the verge of passing the most privileged trade status we can give to the communist nation that is bent not only on supplanting America as the dominant economic power in the world, but is also actively supporting dangerous, rogue nations that threaten our citizens and our way of life.

It just doesn't make sense.

In conclusion, I urge a ''no'' vote on the China PNTR bill, and a ''yes'' vote on the Thompson bill. The Chinese have not earned the right to trade with us, and they have show no inclination to change their ways.

Senator THOMPSON's proposal is at least a modest attempt to preserve our options and to keep closer tabs on Communist China in case things take a turn for the worse.

For years, the pro-China trade forces have argued that expanding trade with China is the carrot we can use to bring about democratic change in that country. The evidence has proven them wrong time and time again.

Years of continuing MFN, or NTR, or whatever you want to call it haven't changed things in China. When it comes to China, the old saying still holds true: the more things change, the more they stay the same.

Trade has not worked before as a carrot, and it certainly won't work in the future if we remove the stick of annual reviews and possible sanctions. That's why it's so crucial that we pass the China Non-Proliferation Act.

Mr. President, when President Reagan negotiated arms control with the Russians, he used an old Russian phrase to sum up his approach—trust but verify. That strategy worked.

But by granting PNTR we are trusting, but failing to verify. In fact, we are even giving up what little ability we even have to verify. The Chinese certainly haven't given us any reason to take them at their word.

We need to verify and the Thompson bill is our best hope of insuring that China will live up to its word. Otherwise, why should we blindly trust a country that has proven time and time again that it doesn't live or play by the rules.

I yield the floor.

EXTENSION OF VITIATION ORDER

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I ask unanimous consent that the vitiation order with respect to S. 1608 be extended until 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACTION, 2001

Mr. ROTH. Mr. President, with respect to the energy and water appropriations bill, I ask unanimous consent that two previously submitted amendments, Nos. 4053 and 4054, be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4053 and 4054) were agreed to, as follows:

AMENDMENT NO. 4053

(Purpose: To revise planning requirements to make them consistent with sections 3264 and 3291 of the National Nuclear Security Administration Act)

On page 83, strike line 20 and all that follows down to the end of page 84, line 23 and insert the following:

''SEC. 309. (a) None of the funds for the National Nuclear Security Administration in this Act or any future Energy and Water Development Appropriations Act may be expended after December 31 of each year under a covered contract unless the funds are expended in accordance with a Laboratory Funding Plan for Nuclear Security that has been approved by the Administrator of the National Nuclear Security Administration as part of the overall Laboratory Funding Plan required by section 310(a) of Public Law 106–60. At the beginning of each fiscal year, the Administrator shall issue directions to laboratories under a covered contract for the programs, projects, and activities of the National Nuclear Security Administration to be conducted at such laboratories in that fiscal year. The Administrator and the laboratories under a covered contract shall devise a Laboratory Funding Plan for Nuclear Security that identifies the resources needed to carry out these programs, projects, and activities. Funds shall be released to the Laboratories only after the Secretary has approved the overall Laboratory Funding Plan containing the Laboratory Funding Plan for Nuclear Security. The Secretary shall consult with the Administrator on the overall Laboratory Funding Plans for Los Alamos National Laboratory, Lawrence Livermore National Laboratory, and Sandia National Laboratories prior to approving them. The Administrator may provide exceptions to requirements pertaining to a Laboratory Funding Plan for Nuclear Security as the Administrator considers appropriate.

''(b) For purposes of this section, 'covered contract' means a contract for the management and operation of the following laboratories: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering and Environmental Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, Oak Ridge National Laboratory, Pacific Northwest National Laboratory, and Sandia National Laboratories.''

AMENDMENT NO. 4054

At the appropriate place in the bill, insert the following new section:

''SEC. . Within available funds under Title I, the Secretary of the Army, acting through the Chief of Engineers, shall provide up to $7,000,000 to replace and upgrade the dam in Kake, Alaska which collapsed July, 2000 to provide drinking water and hydroelectricity.''

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT OF THE PEOPLE'S REPUBLIC OF CHINA—Continued

Mr. ROTH. Mr. President, I want to take a few minutes to discuss why permanent normal trade relations with China are of such critical importance to the United States.

One of the most remarkable strengths of the economy has been its ability to deliver a rising standard of

living and the creation of high-paying jobs. Trade plays a very critical role in achieving both goals. In that respect, normalizing our trade relations with China represents a positive step forward for American business, American farmers, American workers, and American consumers.

Just let me speak very briefly about security because we will discuss that in greater detail at a later time. Moving ahead with trading relations with China will help promote the rule of law and the acceptance of the way we do business in the international market. This will help strengthen the hands of those who are most interested in promoting the rule of law. Security-wise, if we reject PNTR, there is no question but what we play into the hands of the militants, the Communists, who want no change, the Communists who oppose promoting a market economy.

So I just want to say, as we discuss the economics of this agreement, that it is also critically important from the standpoint of strengthening those who want to bring China into the international community. What international trade does is let us focus on what we do best.

Our exports are an indicator of where we have a strong comparative advantage because we are more efficient in producing those goods than we are at producing others. Those industries where we are most efficient represent our economic future. Over the past 20 years, trade as a percentage of the U.S. gross domestic product has increased by more than 50 percent. Exports of goods and services this past year was close to $1 trillion. It is no surprise that the export sectors of our economy have grown faster than the economy as a whole. Nor is it any surprise that export-based jobs pay on average of 15 percent more than the prevailing wage. According to recent reports by Standard & Poor's economic consulting arm, DRI, the benefits are 32.5 percent higher overall than with jobs in nonexport industries.

Those figures reflect the fact that an increase in our exports translate into new opportunities for workers and industries with a greater number of higher paying jobs.

Since 1992, the strong U.S. economy has created more than 11 million jobs, of which 1.5 million—or more than 10 percent—have been high-wage export-related jobs.

The significance of PNTR to that overall picture is obvious. According to estimates by Goldman, Sachs, normalizing our trade relations with China and opening China's market through the WTO will result in an increase in our exports of $13 billion annually; thus China's accession to the WTO will enhance the economic prospects for U.S. export-led industries, and employment opportunities for U.S. workers in higher paying export-related jobs.

Exports, however, are only half of the trade picture and only half of the story of normalizing our trade relations with China. We benefit from imports as well. Being able to trade for goods that we are relatively less efficient in producing means that investments in our own economy are channeled to more productive use. That enhances our ability to maintain higher than expected economic growth.

Imports also enhance the competitiveness of American firms regardless of whether they participate in international markets. The ability to buy at the lowest price and for the highest quality component allows American firms to deliver their goods and services to both U.S. markets and markets overseas at competitive prices.

International trade also has a broader microeconomic benefit of keeping inflation low. International competition yields more efficient producers who are under constant pressure to deliver goods and services at the lowest price possible. The United States benefits from increases in productivity that allow us to make more from less from the competition, and that yields lower prices for goods and services across the board.

To the extent that international competition helps keep inflation in check, it also allows the Fed to keep interest rates low. There is no doubt that keeping interest rates low not only helps consumers when buying a home or a car but deepens the pool of low-cost capital available to American firms to invest in productive enterprises.

Normalizing our trade relations with China is not a panacea, but it will have a positive impact on the economy by reducing the uncertainty and risk that our producers and farmers currently face in gaining accession to the Chinese markets and ensuring continued competition with its benefits for American companies and American consumers.

In other words, a vote in support of PNTR is a vote for a stronger economic future here in the United States.

I ask my distinguished colleague from New York, because I think it is important that the American people basically understand what this legislation does and does not do—I don't think people understand this legislation will not determine whether or not China will become a member of WTO. Isn't that correct?

Mr. MOYNIHAN. Mr. President, if I may, the chairman is absolutely correct. I believe it to be the case. You can't obviously say this with complete confidence, but China will become a member of the WTO with us or without us. They have completed their negotiations with the great majority of the 137 members of the WTO. They will be admitted. However, having been admitted, the privileges of the relationship the WTO establishes includes being subject to the rule of law. Panels say what the trade law means. What have you done? What are the facts? Here is the judgment handed down, which can be appealed. It is a rule of law process. That is only available to countries that have met the WTO standard enunciated in Article 1, which says you must have given unconditional normal trade relations. If you have done that with another country, then you can non-apply the WTO to that country (and not gain any of the benefits the other country's concessions) or that country can take you into court—if you would like to put it that way—and you can answer the decisions and so forth.

This is everything you would hope for in a relationship where, up until now, we have had no recourse to binding dispute settlement. When faced with the unwillingness of the Chinese government from time to time to comply with trade agreements, we could do nothing, excepting to complain to them and say: We very much regret you did that. We don't want you to do it again. Once China joins the WTO and we extend PNTR, we will have a different answer: If you do it again, we will do this instead of saying you have broken a rule, as we judge it, and we will go to court.

Going to court is so much better than going to war or otherwise.

Mr. ROTH. Absolutely. One of the things that bothered me is that the United States, under three Presidents, has negotiated for something like 13 years on this agreement. The fact is, some very major concessions are made that benefit agriculture, that benefit industry, and benefit the workers.

The Senator was saying they are going to become a member of WTO. That means those concessions they made in negotiations with our USTR will become available to the other members of WTO but not ourselves if we don't grant them permanent normal trade relations; isn't that correct?

Mr. MOYNIHAN. The Chairman is absolutely correct.

If I could make a point here—it is a personal one, but so be it—I first visited the People's Republic of China in 1975. I had been Ambassador to India, and, for reasons that were undiscernible at the time, the Foreign Minister of China wished to talk to me as I was on my way home. I received this message from George Bush, who represented our interests there. He was not ambassador. And, oh gosh, he was kept to the end of every line, and he had the smallest compound, and all the help went home at 7 o'clock. But he and Barbara were in good spirits.

I made my way up to Tiananmen Square, to two enormous flagpoles. One of them had vast portraits of 19th century German gentlemen: Marx and Engels; the other, a rather Mongol-looking Stalin. They were the vanguard of revolution.

At that point, one of the big issues was, When would the fourth Communist Party take place—the fourth in their history? The French Ambassador thought in the spring; the British Ambassador thought June; some said maybe it had been canceled. We were on Tiananmen Square. There was a

Great Hall of the People. It had the look of a post office on a Sunday morning. The very week I was there and everyone was thinking about when it would happen, it was happening. That is how secret that world was. Four thousand delegates made their way in and out and voted unanimously. The Foreign Minister succeeded Mao.

This was a Communist country. Everybody wore Mao jackets. The people were color-coded. The army was green; the civil service was blue; the workers were gray. We were taken to see the model apartments and so forth. The children would sing about growing up with industrial hands: We will settle the western regions; we will smash the imperialists.

It is over. First they rejected Stalin. In the 1960s, the Soviet Union and the People's Republic were, at times, in a shooting war—which never sank in across the river, but all right. Then Mao disappeared. Go there now, and there is a little portrait of Mao above an entrance to the Forbidden City—this nice portrait, nothing domineering.

Had anyone noticed in the photographs of the leaders of the United Nations, the head of the Chinese Government wears a blue suit, a white shirt, and a tie such as the distinguished Chairman?

We just heard an hour ago from our Senator from South Dakota, last year there were 29 Chinese agronomists in South Dakota discussing the purchase of soybeans. They wouldn't come near us 30 years ago. They are here now.

Can't we grasp this? Is there something missing?

Mr. ROTH. Let me say to the distinguished Senator, I had a very similar experience. Back in the 1970s when Carter became President, he was kind enough to invite me to go with a delegation he was sending to China.

The Senator's description of China in those days is right on the mark. It was truly a Communist country; everything we saw, ate, where we stayed, was controlled by the Government. One could not read anything unless it was published by the Communist Party. It was unbelievable depression.

I saw those same portraits. I was dumbfounded to see this portrait of Lenin and Stalin. It was 20 years before I went back. The difference is unbelievable. The Chinese will talk to you; they are not afraid; they don't just say the party line.

Mr. MOYNIHAN. Did the Senator have the experience that they talked in pairs the first time the Senator was there?

Mr. ROTH. Absolutely. Visitors heard nothing but the party line. We talked to one person, met somebody else, and we heard exactly the same thing.

Now make no mistake, we all understand it is no democracy.

Mr. MOYNIHAN. No.

Mr. ROTH. It is outrageous what they do in the area of human rights.

Mr. MOYNIHAN. It is.

Mr. ROTH. We have serious problems with respect to proliferation of weapons.

Mr. MOYNIHAN. We do.

Mr. ROTH. But aren't we better off and don't we have a better chance of bringing more responsible leaders to the front if we work with them and do not alienate them?

Mr. MOYNIHAN. It is the best hope of mankind at this moment, sir, because the age of nuclear warfare is not over. If we think we have proliferation today, wait until we see. We won't, but if we were to announce that we want the Chinese on hold, I cannot imagine what the next 30 years would be like.

Mr. ROTH. My own personal experience is that significant progress is being made.

Let me give one illustration. When I was there the first time, an individual could not move from Beijing to another region.

Mr. MOYNIHAN. Internal passports.

Mr. ROTH. Yes, internal passports. You had to get approval of the Government. If you wanted to move from A to B, not only did you have to get the approval of the Government but you had to get somebody who was willing to move from B to A. Unbelievable. At least that is what we were told. Now these things are changing. Progress is being made, and it is critically important we encourage that.

I go back to what I was saying before. It is important to understand that with permanent normal trade relations, we are not yielding access to our markets. They already have these markets; isn't that correct?

Mr. MOYNIHAN. So states the balance of payments, sir.

They come in under our tariffs, which are already nonexistent. We can't get in under theirs. Under this agreement, they have agreed to bring them down to a reasonably low level and to wipe them out in some cases where they have decided they need American technology and business. They are not doing us any favors.

Mr. ROTH. In a very real way, isn't this agreement all about whether America, the United States, our workers, our farmers, our businessmen, are going to have access to the Chinese markets? Isn't that what we are talking about?

Mr. MOYNIHAN. That is what we are talking about. We are talking about those most elemental rule principles that Adam Smith laid down so many years ago: Comparative advantage.

Remember, he used the image, he said: You could make port wine in Scotland and you could grow wool in Portugal. But on the whole, it is to our comparative advantage if Scotland made the wool cloth and sold it to the Portuguese who made the port wine and sent it to Scotland.

I hope it is not indiscrete—I am sure it isn't because it came up in the Finance Committee—there is a wonderful compatibility between the poultry industry in Delaware and the Chinese trading system. The Chinese cuisine, Chinese tastes, happen to be for parts of the chicken which are least liked, in least demand among Americans. By contrast, the portions of the chicken which are most demanded among American consumers are least demanded among Chinese. What a happy arrangement to just trade. We keep what we would most desire, they take what they most desire, and we are better off.

The Chinese importing animal protein? When we were there first, a Chinese family might see such a meal once a year. Hey, Americans, loosen up. Something good is happening. And be careful lest we miss an opportunity and something bad happens.

I will say one more thing. I am sure he won't mind. After Senator ROBERTS of Kansas spoke yesterday, I happened to say to him on the floor what a fine statement he made.

He said: You know, I am glad you mentioned that century and a half of the Chinese exclusion law—century. He said: My father was on the *Panat*. Like the father of our distinguished Presiding Officer, he showed great heroism, and was awarded the Navy Cross. He came back to Kansas and he said he never stopped talking about the way we treated the Chinese.

You might start by saying what is that gunboat doing up the—was it the Yangtze?

Mr. ROTH. I think it was.

Mr. MOYNIHAN. If we found a Chinese gunboat on the Missouri, we might say: I think you got your charts wrong here. This is U.S. waters, not yours.

It is easy for us to forget because there was no indignity done us. It is not easy for them. I am not asking any sympathy for them, I am just giving a fact. If we suddenly break into that appearing hostile mode of wanting hegemony and all that, I shall be happy to have been out of this by then because we will be asking for terrible events: Korea, Japan, Taiwan, India—let's not do this. Let's do the sensible thing we have been trying to do since the day we began the Reciprocal Trade Agreements program in 1934.

My colleague is bringing it to a culmination. I hope he is proud.

Mr. ROTH. I appreciate that. But let me add, you have been there, not from the beginning but you have played a major role in bringing about this world trade situation. I congratulate you and thank you for your leadership.

Time is running out.

Mr. MOYNIHAN. Mr. President, I look about. I was told the Senator from West Virginia might want to speak but he is not here. I think we have done our duty, I say to the Chairman.

Mr. ROTH. I think I would agree. I say to our friends and colleagues that Monday will be here soon. It is important that those who have amendments they want to offer take advantage of that situation. Time is running out.

For the reason the distinguished Senator from New York has spelled out, we absolutely must proceed as expeditiously as possible.

Mr. MOYNIHAN. Mr. President, may I simply say we have been here all morning. We would be here all afternoon and into the evening if there were occasion—demand for it. We expected a measure to be brought up that was laid down last evening. It was not. We would be here all Monday. But when, on Tuesday, we move to close debate and the final 30 hours during which amendments will be offered, that is only appropriate. It is fair play by the rules and we will get to some conclusion. It will be a very fine conclusion. We began it yesterday morning when the motion to proceed was adopted, 92–5.

Mr. ROTH. I thank the distinguished Senator for his leadership. I have confidence that this legislation will be enacted. It will be a great step for America.

Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER (Mr. COCHRAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have returned to keep the vigil on my attempt, in concert with other Senators, to have a debate on permanent normal trade relations, PNTR, with the People's Republic of China. I shall once again implore my fellow colleagues to consider reason, to listen to our case as we discuss these amendments, and to consider them carefully; let your conscience be your guide, as the old saying goes. I hope that all Senators will look carefully at the merits of these amendments. Should we not crack this big fortune cookie? Just imagine the PNTR as a large fortune cookie. Should we not crack it and fully realize what lies inside PNTR before we rush to pass this legislation? What is the rush? Fortune cookies look sweet and tempting on the outside, but they can hold a less than appetizing message inside. Should we not look, should we not peer, lift the covers and see what is inside? Should we not look before we leap?

So far, this debate reminds me of a greasy pig contest at a county fair. The distinguished senior Senator from Mississippi, who presides over the Senate today—and, of course, I would not expect a response from the Chair, but I daresay that the Senator from Mississippi has made his presence known at many a county fair in the great State of Mississippi. At those county fairs, I am sure he is acquainted with the greasy pig contest. We talk about the greasy pole, and now we refer to the greasy pig—the greasy pig contest at a county fair. Everyone tries to slow down that pig, everybody tries to catch that pig, but the hands just slip away. That pig is greased and nobody can catch hold of the pig. Everyone is trying to slow down the greasy pig, but the pig is greased and just keeps on running.

I feel like one of those poor rubes out here chasing the greasy pig. By the way, one of the best pigs of all is the Poland-China hog. My dad used to buy 10 or 12 of those Poland-China pigs every year, and I would go around the community and gather up the leftovers from the tables of coal miners' wives. They would save these scraps of food for me and I would go around after school and pick up those scraps. I would take the scraps and feed them to the Poland-China pigs. Well, it just happens that today I am talking about the greased China PNTR pig.

I am trying my best to slow it down. Here the crowd is standing on their feet, and they are shouting. They are saying: ROBERT C. BYRD tried to get his hand on that greasy pig and tried to hold that pig. But the pig gets away. He can't hold that pig. Here we are—a few Senators—trying to slow down this greasy China PNTR pig so that we can get some amendments added or, perhaps by display of our judgment on this legislation, cause some of our fellow Members to say: Whoa, whoa, here; let's wait a minute. What are we doing? Why are we in such a hurry?

May I ask, do we have a copy of the bill that came out of the Senate committee? All right. I will have it in a moment. But that is not the legislation the Senate is talking about. That is not the bill that came out of the Senate committee. While I am securing that bill, I shall submit to the chairman of the Finance Committee a copy of the amendment I am about to call up. If he will take a look at it, we may want to discuss a time limit on it.

Back to this greasy pig, other Senators and I are trying simply to get the Senate to stop, look, and listen before it rushes pellmell into a vote on this legislation.

Here it is. This is S. 2277, a bill to terminate the application of title IV of the Trade Act of 1974 with respect to the People's Republic of China.

It is a very short bill. As all Senators may see, it is two full pages. Of course, it really is not two full pages. The first page simply states the number of the bill, the title of the bill, and the Senators' names who are supporting it. There it is. Page 1, page 2, page 3; and page 3 consists only of four lines. There are three and a half lines, as a matter of fact, on page 3. There it is. This is what the Senate Finance Committee reported to this body, reported to the Calendar. This is it. This is the product of the work of the Senate Finance Committee on the subject of trading with China. But this bill is not what we are talking about. This is not what we are debating. This is not what we are attempting to amend. The bill is not before the Senate, it is at the desk. But this is not the bill we are attempting to amend.

What we are doing here in the Senate is this. We have taken the House bill.

May I ask the chairman, has the House bill ever had consideration by the Senate Finance Committee?

(Mr. SESSIONS assumed the chair.)

Mr. ROTH. Yes. I say to my distinguished colleague that it was considered in executive session by the Finance Committee.

Mr. BYRD. So the House bill was considered in executive session by the Senate Finance Committee. That was at the time of markup, I suppose.

Mr. ROTH. Yes.

Mr. BYRD. Very well. But that bill came over from the House to the Senate. Unfortunately for those of us who would like to see the bill slowed down and perhaps amended to make it a better bill, we find there has been kind of a contract entered into, if I may put it that way. It was not a written contract. Perhaps I should say it is an understanding rather than a contract.

There seems to be an understanding among some Senators that perhaps with the House—I don't know how far this understanding goes, but Senators who have entered into this understanding will vote against any amendment—any amendment, any amendment—to the House bill. We are not going to debate the Senate bill. We are not going to act upon the Senate bill. We have taken up the House bill, and no amendments shall pass. That is it. No amendments shall pass.

I want to say to the Chair, to the distinguished Senator from Alabama who presides over the Senate, that I have been in legislative bodies now 54 years. I have been in this Congress 48 years. I have been in this body 42 years. This is something that is absolutely new to me, this method of legislating where Senators and the administration—I am talking about Senators on both sides—enter into an understanding somehow. I don't know whether they met and had a show of hands or had a debate about it. But anyway, we have been told by Senators on this floor that they will vote against any amendment, no matter what its merits. It doesn't matter who offers the amendment. It doesn't matter how good an amendment it may be. The decision has been made to reject every amendment—reject all amendments. Why? Why the hurry?

The powers that be—whoever they are—don't want an amendment because they say that would mean the bill would have to go back to the House. And they say that would cause a conference between the two Houses and that would mean a conference report. That would mean each House would have to vote on that conference report. As I gather from my grapevine information, these Senators are concerned that if the House were to vote again on this measure, it might not pass. There are some who think it would not pass the House if the House voted on it again. I think we have come to a pretty

poor pass when we won't consider amendments seriously and judge them on their merits and vote accordingly. But that is apparently what is happening here.

I feel like one of those poor rubes out there chasing the greasy China PNTR pig, trying my best to slow it down with some good amendments. But that pig is well greased, as you can understand by now. It is flying through the Senate, flying through the Senate. This pig is tearing along and Members have made a blood vow to keep hands off and just let ''old porky'' run; let ''old porky'' run.

I will, however, continue to pursue some debate on this bill and to offer at least two amendments that I believe will improve the legislation. I shall offer an amendment momentarily that is straightforward. It would require the U.S. Trade Representative to obtain a commitment by the People's Republic of China to disclose information relating to China's plans to comply with the World Trade Organization, WTO, subsidy obligations.

This is an important issue aimed at ensuring that the American people and their representatives here and in the other branches of the government truly realize what is inside the big Chinese trade fortune cookie. State-owned enterprises continue to be the most significant source of employment in most areas in China, and some reports suggest these subsidized enterprises accounted for as much as 65 percent of the jobs in many areas of China in 1995. That is two-thirds of the jobs. The most recent data that the Library of Congress could provide on this matter indicate those figures. Let me state them again: The subsidized enterprises in China accounted for as much as 65 percent of the jobs in many areas of China in 1995.

Members of Congress need to remember that we are here to defend the people of the United States, to use our best judgment at all times, to exercise our very best talents in behalf of the people who send us here. I am here to represent the people of West Virginia, Democrats and Republicans, old and young, black and white, rich and poor. I am here to represent them. Other Members are likewise here to represent the people of their respective States. We are here to represent them. This includes, may I say, the average American worker.

There are grave implications to Sino-American relations as a result of granting PNTR to China. I believe that the Chinese have developed a keen understanding of the American political system. I have no doubt that many Senators and U.S. businesses are naive about the increased workings of the Chinese Government and its agenda. China is not a free market economy. It is not on the verge of becoming a free market economy. It is a Communist, centrally controlled economy. The Chinese Government oversees the top-to-bottom operations of many industries such as iron and steel, coal mining, petroleum extraction and refining, as well as the electric power utilities, banking, and transportation sectors. The whole thing, one might say.

Government control reigns from top to bottom, supreme in China. Government control.

I was in China in 1975 along with our former colleague, Sam Nunn, and our former colleague, Jim Pearson, from the Republican side. At that time I was told that no individual in China owned an automobile. There were no privately owned automobiles. Oceans of bicycles but no privately owned automobile.

There is some limited private enterprise in China. But private investment is heavily monitored and restricted by the Government. In fact, it has been suggested that the Chinese Government only sell minority shares, such as 25 percent of an enterprise, for the sole purpose of making money while still containing effective control over the operations of that enterprise.

These conditions are serious impediments to fair trade and to free trade. Yet we really do not have much detailed information about China's state-owned enterprises and the type or amount of the benefits that those enterprises receive from the Chinese Government. It is almost impossible to measure accurately the extent of subsidized operations or the touted move to privatization in China, due to the lack of reliable Chinese statistics.

My amendment today that I will shortly send to the desk would help to secure this information. What is wrong with that? This is information that is vital to many U.S. businesses and vital to American workers. My amendment is an effort to help secure that. What is wrong with that?

I hope the American people are following this debate—I am pretty sure they are not; they are not following it. No, the American people are not watching. If they were watching it, there would be more Senators here in the Chamber today. How many Senators are there here today? One, two, three—that is the whole kit and kaboodle—three Senators. So the American people are not watching it. They don't know what is happening.

My amendment would help to secure statistics that are vital to U.S. businesses and American workers.

One of the basic principles of liberalized trade is to obtain obligations to restrict Government interference, which provides an unfair advantage to national commerce. The WTO agreement on subsidies and countervailing measures restricts the use of subsidies and establishes a three-class framework on subsidies consisting of red light, yellow light, dark amber, and green light. The SCM prohibits subsidies contingent upon export performance and subsidies contingent upon the use of domestic over imported goods.

We know that a significant portion of the economy of the People's Republic of China consists of state-owned enterprises. We know that Chinese enterprises receive significant subsidies from the Chinese Government. We know that Chinese state-owned enterprises account for a significant portion of exports from the Chinese Government. We also know that U.S. manufacturers and farmers can not compete fairly with these subsidized state-owned enterprises. So, once again, the question remains: how can the United States ensure that Chinese subsidies do not undermine U.S. commerce and threaten American jobs? That is what we are trying to find out by way of my amendment.

The U.S.-China bilateral agreement contains report language on the commercial operations of Chinese state-owned and state-invested enterprises. That language says that China, with respect to those enterprises, must follow private market export rules; China must base decisions on commercial considerations as provided in the WTO; China cannot influence, directly or indirectly, commercial decisions; China must follow WTO government procurement procedures; and China cannot condition investment approval upon technology transfer. That is a fairly comprehensive set of guidelines. If followed, these guidelines ought to level the playing field for competitive U.S. firms. That is, of course, a very big ''if.'' The Chinese government is pretty good at applying guidelines like these very selectively or not at all.

The United States Trade Representative states that the U.S.-China bilateral agreements meet significant benchmarks, but acknowledges that work on the subsidy protocols is not complete. I understand that the USTR has stressed that the WTO basic rule is clear—namely, China must eliminate all red light subsidies or prohibited subsidies upon entry into the WTO. Nevertheless, the USTR is wary enough to continue negotiations on subsidy agreements particular to the agricultural and industrial sectors.

In addition to the vague language in the protocol, another problem arises with regard to subsidies and the Chinese Government. The SCM agreement provides principles whereby the specificity of a subsidy can be determined, but it does so in the context of a market economy with private ownership of enterprises. The SCM Agreement does not have a specific reference to economies in which a significant share of economic activity and foreign trade is carried out by state-owned enterprises—which is the case with China. I understand that the USTR's protocol language attempts to address this in their bilateral language, but it seems to me that this is leaving U.S. businesses to the whims of an uncertain turn of fortune's wheel. In fact, China has expressed a view that it should be included in the grouping of the poorest countries in the WTO—effectively exempting China from the disciplines of the WTO subsidy codes altogether. This does not, it seems to me, presage good

compliance on the part of China with regard to the subsidy restrictions outlined in the U.S.-China bilateral agreement report language. The Chinese already say they are exempt.

I just got a note from our mutual good friend, DAVE OBEY, a Member of the House. I think I should make it known to my colleague on the floor, Senator DODD—he happens to be the only colleague I have on the floor, not counting my colleague in the chair—but, I say to my colleague on the floor, DAVE OBEY called: He simply wanted to tell you—meaning me—tell you that he is watching this debate and he hopes that you—meaning ROBERT BYRD—''will snare that pig,'' that greasy pig I was talking about.

So what can U.S. businesses really expect from the protocol language in the U.S. China bilateral agreement? I have a gold watch and chain, and I'll bet my gold watch and chain that they can likely expect little to nothing with regard to potential benefits. I believe that U.S. businesses should expect to see continuing illegal subsidy programs by the Chinese to state-owned enterprises.

I also hope I shall be proven wrong in the long run.

Without doubt, subsidies have been a very difficult issue to resolve. In fact, with years of trade relations and negotiations, the U.S. has yet to reach a subsidy understanding with the European Union on agriculture or on some industrial sectors such as aeronautics.

But the United States should not leave this matter—or U.S. firms and workers—hanging, and U.S. businesses should not be expected to pay millions in litigation fees to resolve subsidy disputes.

My amendment will help address the vital issue of prohibited subsidies. It would improve the transparency of the subsidies provided by the Chinese to state-owned enterprises. It would facilitate U.S. Government and private efforts to monitor Chinese compliance by providing both an essential baseline of current subsidies and an explicit schedule for their removal. Finally, it would help provide information that strengthens the evidentiary basis for grievances by U.S. industries regarding continued subsidies and it would help spur China to reduce or eliminate subsidies to state-owned enterprises.

Should we not better understand the level of control that the Chinese government exerts over their businesses? Again, my amendment simply requires the USTR to obtain a commitment by the People's Republic of China to identify state-owned enterprises engaged in export activities; describe state support for those enterprises; and to set forth a time table for compliance by China with the subsidy obligations of the WTO. This is basic information all members of the Senate and the Administration should be eager to have.

Unfair subsidies hurt the working men and women of the United States every day. Unfair subsidies hurt scores, hundreds of Americans working in U.S. industrial and agricultural sectors such as steel, the apple industry and beef. It cuts across all of the vital products. I hope all Members will stand up for vital American interests by voting in support of my amendment.

My amendment addresses the extensive control over the economy still exercised by the Chinese government, despite some window dressing of privatization. It might be looked upon as a reality check. The same kind of very heavy-handed government control is exerted over virtually every aspect of Chinese life. Heavy-handedness is evident all over China. Take a look at religious freedom for example, and I would like to touch briefly on that subject because it is an important barometer of the way the Chinese Government controls their society and their people.

Freedom of religion is near and dear to hearts of Americans. That freedom is at the core of our Nation's being, and we do well to cherish it. Early settlers dared much to come to these shores so that they could freely practice their religious beliefs. They left everything they knew, every comfort of home, to escape the sometimes oppressive hand the heavy hand of governments that discriminated against them. The Pilgrims, the Puritans, the Quakers—all came to the New World seeking religious freedom. Even 171 years after the Pilgrim's Plymouth colony was established in 1620, that fire for religious freedom was codified in the Bill of Rights which were ratified by the necessary number of States on December 15, 1791. The first right—the first precious right—outlined in the First Amendment to the Constitution could not be clearer:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; * * *

The proliferation of churches in the United States of all stripes, from the Roman Catholic cathedral to the independent Baptist church, the Muslim Mosque to the Mormon Tabernacle, the Shinto Shrine to the Jewish Temple—all of these are a living testament to our commitment to religious freedom.

That same freedom is repressed in China. It is not that the Chinese people are opposed to free practice of religion, so far as I can tell. According to a recent article, in fact, the decay of communism, coupled with rising unemployment and a desire for the trappings of affluent society, has sparked a religious revival in China. Twenty years ago, only 2 million Chinese identified themselves as Christian. Today, the number is estimated at 60 million—60 million—according to overseas Christian groups. But, as an atheistic Communist state, China has long feared religion as a threat to the government's monopoly over its subjects. The People's Republic of China has a long and sorry history in this century of repressing religion and religious practice. The antireligious fervor of the Cultural Revolution is but one example. Its subjugation of Tibet and the destruction of many of the Buddhist lamaseries there is another example. The meditative group called Falun Gong, which mobilized more than 10,000 people for a mass protest in Beijing last year, has been outlawed.

In the Washington Times on Wednesday of this week, September 6, the front page headline reads: ''Chinese religious rights 'deteriorated' ''. The article concerns a State Department report released yesterday, on the eve of the United Nations Millennium Summit, a gathering of religious leaders from around the world in support of peace. I would observe, and not as an aside, that the exiled Dalai Lama, religious leader of Tibetan Buddhists and other Buddhists, was not invited, out of deference to China. In this, the second annual congressionally ordered report on religious freedom around the world, respect for religious freedom in China ''deteriorated markedly'' during the second half of 1999 and was marked by the brutal suppression of minority religious faiths. Members of such groups have been subjected to ''harassment, extortion, prolonged detention, physical abuse and incarceration.'' Those words are lifted out of the text.

Though the Chinese government sanctions five carefully monitored religious organizations, including a state-supported Christian church, the government has shown no hesitation in outlawing any religious sect or church that has shown any sign of gaining support among the Chinese people. Missionaries are not welcome; nor are Bibles. In the past year, raids on worship groups meeting in private homes have increased from twice a month to once a week, according to human rights groups in Hong Kong. Yet Beijing's state-appointed bishop recently stated: ''There is no religious persecution in China.''

Just last month, on August 23, Chinese authorities raided a meeting of the Fangcheng Church in Henan Province, arresting three American citizens and over 100 Chinese church members. The Americans, Henry Chu and his wife Sandy Lin, and Patricia Lan, were visiting the church when it was raided. The Taiwanese-born American citizens were released after a protest from the U.S. embassy. They are luckier than Zhang Rongliang, the Fangcheng Church leader, who was arrested on August 23, 1999, and sentenced to 3 years in a labor camp under an anticult ordinance. It has been a long time, indeed, since a Christian church in the United States was described as a cult. And, of course, no single church or religion, or circumscribed list of churches, is officially sanctioned by the American Government.

We do not have that in this country. That is why many of our forbearers came to these shores. The Government of the United States does not sanction any particular church.

Again, in the Congress' annual renewal of China's NTR status, conditions favoring religious freedom or protesting Chinese actions against worshippers could be debated and voted upon. The United States could go on record, at least, in support of the principle of religious freedom. This annual debate on must-pass legislation, on legislation that does mean something to the Chinese Government, may well have moderated Chinese behavior. Who knows? It certainly did not fundamentally change that behavior, as proponents of PNTR have observed. But it likely did moderate Chinese actions, if only to reduce the embarrassment factor they may have faced during the annual debate. So it served a useful function, one that we will now consign to the dustheap of history. When next year's congressionally mandated report on religious freedom is issued, I for one will not be surprised to read about further deterioration in religious freedom in China, once PNTR is assured.

Mr. President, I still read the Constitution and the Bill of Rights. Even though I have it—or once had it in my lifetime—just about memorized, seeing the words themselves reinforces the beauty, the power, and the simplicity of that magnificent document for me. The Bill of Rights was added to the Constitution in order to ensure the ratification of the Constitution itself, even though the framers did not believe that those rights needed to be spelled out. For them, those rights were so fundamental that they did not need to be spelled out. Others, less intimately involved in creating the Constitution, needed the reassurance of the written word. The words are powerful: ''Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof. . . .'' I still respect those words, and I still cherish those principles. I hope that others around the world may eventually share in this great freedom. Until they do, I continue to think it is appropriate that we, our country, as a leader in supporting religious freedom, should take opportunities to urge other governments to allow unfettered worship of their Creator.

Mr. President, I am sorry that Senator WELLSTONE's amendment in support of international religious freedom was not adopted. It was a message worth sending to the Chinese people—a message that the United States still places its principles and its values above mere avarice, above mere greed for maximizing profits through increased trade. I hope that my colleagues will support my amendment, which would provide needed and difficult-to-obtain information about Chinese Government subsidies to state-owned enterprises. This information is needed by the U.S. firms and U.S. workers who will be competing against those subsidized producers. If our trade provisions in support of fair trade are to have any chance, we must have this information. I hope that we will not put greed ahead of American jobs and interests. I urge my colleagues to support this amendment. Let us at least put up a fence before the ambulance careens over the hill, which reminds me of a poem, which I think would be nice to have in the RECORD right here.

Before I attempt to recall it, let me ask my friend from Connecticut—he has been sitting here—does he wish the floor now? I can postpone this for some other time.

Mr. DODD. Mr. President, I thank my colleague for posing the question, but I always love to hear my colleague quote poetry, under any set of circumstances.

I have some remarks to share regarding the pending matter, but there is no great hurry. I would not want to interrupt the flow of my good friend and seatmate's remarks. So I am very patient to listen to his comments.

I, too, voted for the Wellstone amendment yesterday on religious freedom. I would like to associate myself with my colleague's remarks. My remarks touch on the agreement but not as extensively as the comments of my colleague from West Virginia on the subject of religious freedom. I commend him for his comments. I would like to be associated with those thoughts.

So I am very content to listen to the poetry. I think America is enlightened. I think there are a lot more people listening to this debate, I say to my colleague from West Virginia, than would be reflected by the participation of our fellow colleagues on a Friday afternoon.

But the comments of the distinguished senior Senator from West Virginia are always profound, always thoughtful, always meaningful. His colleagues appreciate them, and the American public do as well. So I am very delighted to sit here and be enlightened further. Poetry is always something that enriches the soul.

Mr. BYRD. Mr. President, I am flattered by the comments of my colleague, my seatmate who sits right here. I appreciate his friendship, and I appreciate his many, many words of advice, our many conversations we have had together about the Senate, about our country, and about the Constitution.

So if we can just think, as we do this poem—I always run the risk, of course, of having a lapse of memory. But after 50 years of quoting poetry, although I have had a few lapses of memory, I always take them as they come. It is something that is natural, nothing to be embarrassed about. Sometimes I start over and get the poem right.

But I am thinking of this legislation that is before us, and I am thinking of what is going on here. I have referred to a cabal. It isn't that, of course, but there certainly is an understanding abroad here, among Senators on both sides—certain Senators I think are probably working with the administration—that there will be no amendments, no amendments will pass, they will vote down every amendment.

Well, a few of my colleagues and I are trying to improve this legislation. We are not offering any killer amendments. But we are offering them because we think the bill would be improved.

This action on my part, and on the part of my colleagues who are attempting to improve the bill, might be likened to putting a fence around the edge of a cliff while an ambulance runs in the valley. The ambulance represents this legislation, which, if passed, in the long run, I fear, will result in increased unfair trade and constitute an injury to the American worker and to the American businesspeople.

'Twas a dangerous cliff, as they freely confessed,
Though to walk near its crest was so pleasant;
But over its terrible edge there had slipped A duke and full many a peasant.
So the people said something would have to be done,
But their projects did not at all tally;
Some said, ''Put a fence around the edge of the cliff,''
Some, ''An ambulance down in the valley.''
But the cry for the ambulance carried the day,
As it spread through the neighboring city;
A fence may be useful or not, it is true,
But each heart became brimful of pity
For those who slipped over that dangerous cliff;
And the dwellers in highway and alley
Gave pounds or gave pence, not to put up a fence,
But an ambulance down in the valley.
''For the cliff is all right, if you're careful,'' they said,
''And, if folks even slip and are dropping,
It isn't the slipping that hurts them so much,
As the shock down below when they're stopping.''
So day after day, as these mishaps occurred,
Quick forth would these rescuers sally
To pick up the victims who fell off the cliff,
With their ambulance down in the valley.
Then an old sage remarked: ''It's a marvel to me
That people give far more attention
To repairing results than to stopping the cause,
When they'd much better aim at prevention.
Let us stop at its source all this mischief,'' cried he.
''Come, neighbors and friends, let us rally;
If the cliff we will fence we might almost dispense
With the ambulance down in the valley.''
''Oh, he's a fanatic,'' the others rejoined,
''Dispense with the ambulance? Never!
He'd dispense with all charities, too, if he could;
No! No! We'll support them forever.
Aren't we picking up folks just as fast as they fall?
Shall this man dictate to us? Shall he?
Why should people of sense stop to put up a fence,
While the ambulance works down in the valley?''
But a sensible few, who are practical too,
Will not bear with such nonsense much longer;
They believe that prevention is better than cure,
And their party will soon be the stronger.
Encourage them then, with your purse, voice, and pen,
And while other philanthropists dally,

They will scorn all pretense and put up a stout fence
Round the cliff that hangs over the valley.
Better guide well the young than reclaim them when old,
For the voice of true wisdom is calling,
''To rescue the fallen is good, but 'tis better
To prevent other people from falling.''
Better close up the source of temptation and crime
Than to deliver from dungeon or galley;
Better put a strong fence round the top of the cliff
Than an ambulance down in the valley.''

Mr. President, I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, the Chamber is not packed this afternoon, but I hope our colleagues who are back in their offices on Capitol Hill, and maybe our good friend DAVID OBEY from the House, were enlightened by the poetry of warning by our senior colleague from West Virginia, about putting a fence at the top of the cliff rather than the ambulance down in the valley.

I am always impressed and I never cease to be amazed by my seatmate from West Virginia. I have been here for 20 years and not a day goes by that I don't learn something new from and benefit immensely by my friendship with the Senator from West Virginia. Today is no exception. That was a tour de force. He recited from memory at least 10, 12, maybe 14 stanzas. I thank him immensely for his comments regarding the pending matter, the granting of permanent normal trade relations status with the People's Republic of China.

I begin these brief remarks, if I may, by commending the two senior members of the Finance Committee who have jurisdiction over the pending matter, Senator ROTH of Delaware and Senator MOYNIHAN of New York. Both of these gentlemen have made significant contributions to the wealth and strength of our Nation. This will probably be the last piece of business the Senator from New York will be directly involved in before his retirement from the Senate. It is appropriate that his closing efforts, legislatively, should involve a piece of legislation as monumental and important as the pending matter.

Senator MOYNIHAN has made unique and valued contributions to our Nation's wealth during his years of public service. As a member of the executive branch—as a staff member there, a servant of various administrations and, most recently, of course, during his tenure in this wonderful body. So I wish him well and commend him once again for his latest endeavor. I commend Senator ROTH as well who has worked on this legislation.

I rise to share a few thoughts about this bill, a bill that will confer, as we all know now, permanent normal trading relations with the People's Republic of China. In so doing, this bill would also trigger the implementation of the bilateral trade agreement entered into between the United States and China last November related to China's accession to the World Trade Organization. After many months of delay, I am very pleased that the Senate finally has arrived at this discussion that we have conducted over the past several days and will continue next week. I regret it has taken this long. I think the matter should have come up earlier. But I am pleased we are finally getting a chance to debate the merits and consider amendments on this very important piece of legislation.

PNTR, as it is called, and China's entry into the WTO are extremely important milestones, in my view, toward the full assimilation of the world's most populous nation into the global economic system. China's membership in the World Trade Organization will also serve, in my view, as an important cornerstone of U.S.-China relations in the 21st century.

The requirement that China adhere to the World Trade Organization's global trading rules and standards should have and will have profound and long-lasting implications not only for China, but for the United States and the world community. Not only will this agreement alter the landscape of U.S.-Chinese trade relations and produce, I hope, a fairer and more competitive global trading environment, over time, I think this agreement and this entry by China into the WTO will also have a most profound impact on China's social, economic, and political systems.

Over the last three decades, successive American Presidents, from Richard Nixon to the present occupant of the White House, Bill Clinton, have worked hard to fashion a constructive relationship with the People's Republic of China. As we all know, this has proved more difficult at some times than others because the Chinese have made it so—too often because of their unilateral decisions and actions. The goal has always remained the same however—to move China toward a more open and prosperous system, to enter the family of democracies and freedom that are emerging throughout the world, and to become a society built on a foundation consistent with the international community's norms and values. The Clinton administration's proposal to grant PNTR status to China and support its membership in the World Trade Organization are very much in keeping with the longstanding tradition that has gone back over several decades.

Historically, the trade relationship between China and the United States has been disproportionately tilted in China's favor due to its mercantilist trading policies. Granting PNTR and allowing China to enter the World Trade Organization, I hope, will restore the competitive balance in that relationship and generate what could be enormous opportunities for American exports, job creation, and investments in the world's third largest economy.

The commercial benefits to the United States from World Trade Organization accession are clear, compelling and very wide-ranging.

American farmers, American workers, American businesses, both large and small, will benefit from China's new status.

In order for the United States to agree to support China's membership in the WTO, Chinese authorities were required to make across-the-board unilateral trade concessions to the United States to bring our trading relationship into better balance.

Among other things, the Chinese have agreed to slash tariffs on U.S. agricultural and industrial imports, expand the rights of U.S. companies to distribute American products throughout China, and grant U.S. companies broad access to China's banking, telecommunications, and insurance sectors.

The bilateral agreement which codifies these concessions includes as well important safeguards against unfair competition by China that will allow U.S. authorities to respond quickly to products and specific import surges that may threaten the viability of certain vulnerable import-sensitive domestic industries.

The U.S. technology industry also stands to gain, in my view, from this agreement as China begins participation in the information technology agreement. Under this ITA agreement, all tariffs on computers, telecommunications equipment, semiconductors, and other high-tech products will be totally eliminated.

U.S. high-technology companies have emerged as one of the driving forces of our recent economic boom. With China's participation in the information technology agreement, these companies may continue a trend of expansion and success on the international scale that will result in more domestic jobs in the industry.

China has made important concessions on trading and distribution rights as well. Manufacturers in the United States have been severely hampered over the past number of years by China's restrictions on the right of foreign firms and U.S. firms to import and export and to own wholesaling outlets or warehouses in China. For the very first time, under this agreement, these rights will be granted to U.S. firms.

Further distribution rights are being provided for some of China's most restricted sectors, including transportation, maintenance, and repair. As a result, American firms operating in China will not only be able to import a greater number of goods, but they will also be allowed to establish their own distribution networks.

While it is not easy to put an exact dollar figure on these concessions, experts estimate that the annual U.S. exports will increase by as much as $14 billion a year—nearly double the current value of our exports. And more than 400,000 high-paying export-related American jobs will be sustained by expanded exports to the People's Republic of China.

These are important benefits and serve to highlight the wide-ranging impact that China's changed trading status will have on the American economy as a whole.

At this juncture, I also want to briefly mention how granting the PNTR to China would affect my own State of Connecticut.

In 1998, Connecticut's merchandise exports to China totaled $302 million, making it one of the most trade-dependent States in the United States. Nearly two-thirds of all firms exporting to China from Connecticut in 1997 were small- and medium-sized companies—not the large corporations in my State. Clearly, an open China will provide a venue for increased sales of Connecticut-made products and an increase in jobs available to Connecticut workers in companies both large and small.

Connecticut's burgeoning high-tech industry, for example, will be able to take advantage of China's participation in the information technology agreement and the elimination of tariffs on these goods which is, in effect, a tax. Chemical products, which are one of Connecticut's largest exports to China, will enjoy reduced tariffs, and quotas will be totally eliminated by the year 2002. Insurance companies, which have long ties in Connecticut, will benefit from greater geographic mobility within China, and an expanded scope of admitted business activities. And lifesaving medical equipment made in my home State may begin entering the Chinese market at reduced tariff levels. Those tariffs will be phased out entirely over the next several years.

The enthusiasm for the benefits that will flow from our bilateral WTO accession agreement with China must, however, be tempered by the fact that there are a number of non-trade issues with respect to China that are deeply worrisome and need the attention of this body, of the legislative branch, of the executive branch, and the American people.

I support the pending legislation. But I also want to make it very clear that I side with the critics of China who believe there is a great deal more that the Chinese Government needs to undertake in order to reach the standards of behavior expected of civilized nations and countries.

If you wish to be a part of the World Trade Organization, implicit in that request is that you are willing and anxious to also become a member nation of civilized society recognizing the diversity of your people and the basic fundamental freedoms that are guaranteed—not by a document, a constitution, or a declaration of independence but those guaranteed by the creator of all of us.

As China seeks to become a part of the family of civilized society, then it must also begin to act accordingly with respect to the treatment of its own people.

First and foremost, China must improve upon its human rights performance, especially with regard to its citizens and religious freedoms. This point was extremely well articulated by my colleague from West Virginia. He went on at some length in describing how valuable and important religious freedom has been as a free people, citing the very first amendment to our Constitution which guaranteed people this right. I will not go on at length about this point, except to say, once again, that I wish to be associated with the comments of the Senator from West Virginia in his earlier discussion on religious freedom and the absence of it, or almost a complete absence of it, in the People's Republic of China.

In my view, China must also address the pervasive corruption that exists at all levels of Government—corruption that is damaging the country economically and politically and could jeopardize its membership in the WTO if they persist in these practices.

China must also begin to act responsibly in its relationships with other nations if it is to become the world leader that it aspires to be.

China must cease its threatening stance towards Taiwan and agree to enter into a productive dialog to resolve this question in a manner that is consistent with the wishes of the people on Taiwan and mainland China. They must try to resolve their dispute in the manner of a civilized society.

Particularly worrisome is China's aggressive buildup of nuclear arms and its willingness to assist other nations to acquire a nuclear capability that they don't currently possess.

In response to this concern, it is my understanding that Senators THOMPSON and TORRICELLI may offer the China Non-proliferation Act as an amendment to this bill. I think that it is important to let the Chinese authorities know that in no uncertain terms that we object strongly to their continued proliferation of weapons of mass destruction, and believe that such behavior poses a direct and immediate threat to U.S. national security interests as well as international peace and stability.

Having said that, I am also convinced that an amendment on the pending legislation is not the right vehicle for attempting to accomplish that objective. In my view, the political realities are that an amendment such as this would not carry. That would be a much worse message in many ways. My belief is that the overwhelming majority of my colleagues, regardless of party or ideology, believe that the proliferation practices of China must stop. But a vote by this body that would come up short or be so narrowly decided could be a confusing message to China that we may not care about this issue as much as I think most Members do.

Such a misinterpreted message would probably do more harm than good. Therefore, I urge my colleagues who are considering such an amendment to seek another, more appropriate, vehicle to which the amendment could be offered. That is the time when I think this body can speak with a more singular voice on an issue with far greater unanimity than might be reflected in an amendment on this particular trade proposal.

I know that not everyone supports this legislation or China's entry into the World Trade Organization. They bring up good arguments and I have mentioned some of them—religious freedom, workers rights, human rights, corruption, and nonproliferation issues.

I ask myself a question—Are we more likely to achieve the desired goals of moving the Government of the People's Republic of China closer to the kind of social, economic, and political behavior that we seek by adopting this legislation and including China in the WTO? Or by not doing that and allowing the status quo to persist? Is that going to create a greater deterioration in those very values that we seek? I come to the conclusion that we are more likely to achieve those desired goals by adopting this legislation than by not doing so. Some are opposed to it because they believe that it will unfairly enhance China's ability to attract foreign investment and manufacturing facilities to the detriment of the U.S. economy and the American workers. Others would link U.S. support for China's WTO membership to improvements in China's respect for human rights, religious tolerance, nuclear non-proliferation, as I mentioned.

There is no doubt that certain sectors of American industry have fared less well than others under the increased competition brought on by international trade. That will continue to be the case irrespective of whether China gains admission to the World Trade Organization or whether the United States makes permanent the trade status China has already had for more than two decades.

On the other hand, WTO membership would require that China operate under the jurisdiction of international trade standards and agreements as dictated by that organization. China's non-compliance with those standards would subject its government to an international arbitration and dispute settlement mechanism—a profound change in the treatment of Chinese trade violations. For the first time China would be held accountable to all WTO members. This I think, provides the U.S. with stronger safeguards to protect their workers.

Furthermore, membership in the WTO would compel the Chinese government to comply with international

labor regulations, thus increasing opportunities for American workers by eliminating many of the incentives that currently induce firms to move production and jobs to China.

What about using PNTR status and WTO membership to pressure Chinese authorities into making significant improvements in other nontrade related policy areas? As I said earlier, while I have already registered my concerns about China's record in these areas, I am doubtful that directly linking PNTR status to changes in China's policies in these areas will produce overnight positive changes. I think all of us seek.

There is sufficient historical experience to suggest that linkage will not cause Chinese authorities to improve their behavior in these areas one iota. Quite the opposite seems to be the case. Over the last quarter of a century, Chinese authorities have responded very consistently and negatively to attempts by others to unilaterally dictate to them how they should govern their citizens. At such times, the very issues we have cared about most—human rights, religious freedom, Taiwan's security—have suffered. Rather, it has been during periods of U.S. engagement with Chinese authorities, when we have carried out a respectful dialogue between our two governments, that we have seen demonstrable improvements in China's policies in these areas.

More recently, U.S. engagement has resulted in China joining a number of major multilateral arms control regimes, in assisting us to defuse a nuclear crisis on the Korean Peninsula, and in participating constructively in international efforts to contain the escalating arms race between India and Pakistan.

I am not one who believes that China's accession to the WTO is going to convert the state-controlled Chinese society into a Jeffersonian democracy overnight. However, I would argue that China's adherence to the discipline of WTO's rules and standards have a greater likelihood to accelerate the pace of market economic reforms that are already underway in China. And, as a by-product of those reforms, the grip of the Chinese state on the day to day lives of the Chinese people will become weaker and weaker. Individual freedom may gradually fill the vacuum created by the withdrawal of state control. Whether that process will ultimately transform China's political system is impossible to predict with any certainty. Certainly isolating China isn't going to facilitate such a transformation.

I am not the only one who holds that view. A number of prominent human rights activists in China have spoken out publicly in support of the pending legislation and in favor of China's admission to the WTO. I am thinking of such individuals as Martin Lee, the internationally known leader of Hong Kong's Democratic party, His Excellency the Dalai Lama, Dai Qing, a leading political dissident and environmentalist who was imprisoned for ten months following the 1989 Tiananmen Square Massacre, and Bao Tong, a senior advisor to ousted President Zhao Zyiang—both of whom were imprisoned for their opposition to the Tiananmen crackdown. None of these individuals have suggested that we deny China admission to the WTO until it becomes a democracy.

In fact, if we refuse to grant PNTR status to China or oppose its admission to the WTO, we will have delivered an enormous setback to the Chinese reformers and entrepreneurs who have been the driving force for the positive political and economic changes that have occurred in China over the last twenty years. We will also have given an enormous gift to our economic competitors in Europe and Asia by giving them a foothold in perhaps the most important emerging market in the global economy of the 21st century—a foothold that will be difficult for our own Nation to regain. American jobs would be the ones that suffer and American workers the ones who pay the price.

Denying China PNTR would also only exacerbate an alarmingly high existing trade deficit with the United States, in my view. In 1997, the U.S. trade deficit with China soared to nearly $50 billion, making it second only to Japan as a trading deficit partner. Sadly, that number has only increased over time. By 1999, it had climbed almost $20 billion more, to $69 billion, and it continues to grow.

In closing, I believe the legislation we are considering today is in our national economic interest because it will enhance international growth and competition. It will strengthen the global trading system and foster adherence to rules and standards under which we want all nations to operate.

I also believe it is in our foreign policy interests, as well. China's obligation to open its markets and to abide by internationally prescribed trade rules is an important step toward Chinese adherence to other important international norms and standards which must, over time, lead to democratic transformation of that society, as I have seen occur in nearly every other corner of the globe in the past decade and a half.

No one in this body is naive enough to believe this is going to happen overnight, that these changes we talk about are necessarily going to occur at the pace we would like to see. But, at the very least, we must begin making strides in that direction.

For those reasons, while I will support various amendments that I think are an important expression of how my constituents feel in Connecticut and how the American public feels on a number of very important non trade-related issues, when this debate is concluded, I happen to believe it would be in the best interests of my Nation that we grant this status to China in the hopes that the improvements we all seek in this land of more than 1 billion people will occur sooner rather than later.

I yield the floor.

Mr. ROTH. Mr. President, I ask unanimous consent that at 12 noon on Monday, September 11, the Senate resume consideration of Senator BYRD's amendment regarding subsidies. Further, I ask unanimous consent that there be 60 minutes of debate equally divided in the usual form with no amendments in order to the amendment. Finally, I ask unanimous consent that following the debate time, the amendment be set aside, with a vote to occur on the amendment at a time determined by the majority leader after consultation with the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I also ask unanimous consent that when Senator BYRD offers an amendment relating to safeguards, there be 3 hours for debate equally divided in the usual form, with no amendments in order to the amendment. Further, I ask consent, following that debate time, the vote occur on the amendment at a time to be determined by the majority leader after consultation with the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Delaware.

THE DEMOCRATS ARE NOT STALLING

Mr. DASCHLE. Mr. President, earlier today the distinguished Senator from Idaho, Senator CRAIG, came to the floor to respond to an article that appeared in the newspaper, USA Today. I want to take just a moment to respond to the article, as well as to some of his comments. He responded, I think, as I would if I had read the article. It is entitled, ''Senate Democratic Leader Plans Stalling Tactics,'' and makes reference to the fact that we are running out of time at the end of the year and it claims to know that I have a simple strategy for winning the final negotiations over spending bills—and I am now reading from the article: ''Stall until the Republicans have to cave in because they can't wait any longer to recess,'' and noted there are a lot more vulnerable Republican Senators than there are Democratic Senators.

As often is the case—I don't blame this reporter, and I am not sure I know who the reporter is—I think that was taken from a comment that I made in my daily press conference, where I simply noted that those who were in the majority oftentimes are the ones who pay a higher price the longer we are in session, the closer we get to the election, noting that we have experienced that rude realization ourselves on at

least two occasions, in 1980 and 1994, and that the longer one goes into the campaign season while we are still in session, the more it requires that Senators remain present here in Washington and not available for the demands of a rigorous campaign.

That was all I said. I made no reference to our desire to stall anything. In fact, it is not. The reason I have come to the floor is to emphasize our strong hope that we do not see any stalling whatsoever; that we move on with the remaining appropriations bills. Eleven of them have yet to be signed into law. I note for the record that two have not even left subcommittee. The District of Columbia appropriations bill and the HUD–VA bill are still pending in the subcommittee.

We finished our work on the energy and water appropriations bill this week. It would be my hope that we could go to the only other pending appropriations bill on the calendar, which is the Commerce-State-Justice bill, next week. I do not know that is the intention of the majority leader, but clearly it is a bill that must be considered and completed at the earliest possible date.

Our hope is that as we work through these appropriations bills, we will have the opportunity to work through other pieces of unfinished business. We are hopeful we can make real progress, maybe as early as next week, on the minimum wage bill. Our hope is that we can finish our work next week on the legislation granting permanent normal trade relations to China. Our hope is that we can actually finish a Patients' Bill of Rights bill and maybe gun safety legislation. Our hope is that we can deal with the prescription drug benefit bill. There is an array of pieces of the unfinished agenda that we would love to be able to address—education issues having to do with reducing the number of students in every class, hiring teachers, afterschool programs, school construction. Those issues have to be addressed at some point.

Whether it is authorizing or appropriating, we remain ready and willing to work with our colleagues to accomplish as much as possible. I do not know whether or not it is conducive to that goal not to have votes on Fridays or Mondays. It seems to me, with all the work that remains, Senators should be here casting their votes and participating fully in debates that will be required ultimately if we are going to complete our work on time.

I come to the floor this afternoon only to clarify the record and ensure that if anybody has any doubt, let me address that doubt forthrightly. We want to finish our work. We want to work with our Republican colleagues. We have no desire to stall anything. Our hope is that we can finish on time and complete all 13 appropriations bills no later than the first of October. There is no need for a continuing resolution. We can complete our work in the next 3 weeks. That is our desire, and that certainly will be our intent as we make decisions with regard to what agreements we can reach on schedule, as well as on substance, in the coming days.

I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Under consideration is H.R. 4444 and the Smith amendment No. 4129.

Mr. LEAHY. I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

Mr. LEAHY. Mr. President, I again ask why the Bulletproof Vest Partnership Grant Act of 2000 is being held up. Senator CAMPBELL and I, and others, both Republicans and Democrats, introduced this bulletproof vest bill to help our police officers. We introduced it last April. It was stuck in the Judiciary Committee for a time despite my requests that it be brought forth. It finally was allowed on the agenda and was passed out of there unanimously in June.

I find it hard to think that anybody who would be opposed to using some of our Federal crime-fighting money for bulletproof vests for our police officers. In fact, most Senators with whom I have talked, Republican and Democrat, tell me they are very much in favor of it. They saw how this worked in its first 2 years of operation. The Bulletproof Vest Partnership Grant Program under the original Campbell-Leahy bill funded more than 180,000 new bulletproof vests for police officers across the Nation.

We have a bill, though, that has been stalled, unfortunately, by an anonymous hold on the Republican side. This is a bipartisan bill that is being held up in a partisan fashion.

I am continually being asked by police officers who know how well the original Campbell-Leahy bill worked on bulletproof vests why we cannot pass this continuation of it. It is strongly supported by police officers all over the country. The President has made it very clear he would sign such a bill into law, as he did the last one. It is something that, if it were brought to a rollcall vote in the Senate, I am willing to guess 98, maybe all 100 Senators, would vote for it. Certainly no fewer than 95 Senators would vote for it.

When we could not pass it by unanimous consent before our summer recess because there was a hold, I wanted to make sure I could tell these police officers that there was no hold on this side. We actually checked with all 46 Democratic Senators. All 46 told us they would support it. All 46 said they would consent to having it passed anytime we want to bring it up by a voice vote.

I have told these police officers that while a significant number of both Republicans and Democrats support it or have cosponsored it, and while every single Democrat has said they support having it passed today, there is an anonymous hold on the Republican side. I hope that hold will go away. I urge these same police departments that have contacted me to contact the Republican leadership and say: Please ask whoever your anonymous Senator is to take the hold away and let the Campbell-Leahy bill pass.

That it has still not passed the full Senate is very disappointing to me, as I am sure that it is to our nation's law enforcement officers, who need life-saving bulletproof vests to protect themselves. Protecting and supporting our law enforcement community should not be a partisan issue.

Senator CAMPBELL and I worked together closely and successfully in the last Congress to pass the Bulletproof Vest Partnership Grant Act of 1998 into law. This year's bill reauthorizes and extends the successful program that we helped create and that the Department of Justice has done such a good job implementing.

We have 19 cosponsors on the new bill, including a number of Democrats and some Republicans. This is a bipartisan bill that is not being treated in a bipartisan way. For some unknown reason a Republican Senator has a hold on this bill and has chosen to exercise that right anonymously.

According to the Federal Bureau of Investigation, more than 40 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

To better protect our Nation's law enforcement officers, Senator CAMPBELL and I introduced the Bulletproof Vest Partnership Grant Act of 1998. President Clinton signed our legislation into law on June 16, 1998. Our law created a $25 million, 50 percent matching grant program within the Department of Justice to help state and local law enforcement agencies purchase body armor for fiscal years 1999–2001.

In its first two years of operation, the Bulletproof Vest Partnership Grant Program has funded more than 180,000 new bulletproof vests for police officers across the country.

The Bulletproof Vest Partnership Grant Act of 2000 builds on the success of this program by doubling its annual funding to $50 million for fiscal years 2002–2004. It also improves the program by guaranteeing jurisdictions with fewer than 100,000 residents receive the full 50–50 matching funds because of the tight budgets of these smaller communities and by making the purchase of stab-proof vests eligible for grant

awards to protect corrections officers in close quarters in local and county jails.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential the we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

I hope that the mysterious ''hold'' on the bill from the other side of the aisle will disappear. The Senate should pass without delay the Bulletproof Vest Partnership Grant Act of 2000 and send it to the President for his signature.

Before we recessed last July, I informed the Republican leadership that the House of Representatives had passed the companion bill, H.R. 4033, by an overwhelming vote of 413–3. I expressed my hope that the Senate would quickly follow suit and pass the House-passed bill and send it to the President. President Clinton has already endorsed this legislation to support our Nation's law enforcement officers and is eager to sign it into law.

Several more weeks have come and gone. Unfortunately, nothing has changed. Not knowing what the misunderstanding of our bill is, I find it is impossible to overcome an anonymous, unstated objection. I, again, ask whoever it is on the Republican side who has a concern about this program to please come talk to me and Senator CAMPBELL. I hope the Senate will do the right thing and pass this important legislation without further unnecessary delay.

JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, talking about things that are being held up, I want to talk about the juvenile justice conference. Last year, in response to the terrible tragedy at Columbine, we passed a bipartisan juvenile justice bill through the Senate. Something like 73 Senators of both parties voted for this bill. We had weeks of debate. We had a number of amendments that improved it and a number of amendments that were rejected, but we had a full and open debate and a number of rollcall votes. As I said, it passed with 73 Senators voting for it.

That was last year. I urged before school started last year that we have a conference and work out the differences, if there are differences, between the House and the Senate; that we vote up or down. The conference is chaired by a Republican Senator, and we have not had anything other than a formal meeting to start the conference the day before the August recess in 1999. We have not met since then. We went off to our summer vacation and came back to schools starting all across the country. We just returned this week from this year's summer recess and we still have not had a meeting of the conferees.

I have been willing to accept votes up or down on matters of difference. I point out there are more Republicans on the conference than there are Democrats, Republicans chair both delegations from both Houses, so Republicans control the conference. If they do not like something that is in the conference, they can vote it down, they can vote it out. I know the we are in the minority. What I want to do is get this juvenile justice bill through so we can make the school year better, more productive, more educational, and a safer one.

The President of the United States was concerned enough about this that he invited the Republican leadership and Democratic leadership to meet with him at the White House. I recall that he spent nearly 2 hours with us going over the bill. He indicated that he wanted to work with us to get a good law enacted. All he wanted to do was to get us to at least meet on the Hatch-Leahy juvenile crime bill that passed the Senate by a 3-to-1 bipartisan majority vote back on May 20, 1999. This is the Hatch-Leahy bill. Even with the two chief sponsors, you span the political spectrum.

I urge again that the Congress not continue to stall this major piece of legislation. I remind Republicans, if they do not like anything Democrats have put in the bill, they can vote us down. There are more Republican Senate conferees than there are Democratic conferees. There are more Republican House conferees than there are Democratic conferees. If the Republicans do not like something in it, they can just vote to remove it. There is nothing we can do to stop that. But at least take what is a good piece of legislation that will protect our children in school and let it go forward.

It has been 17 months since the tragedy at Columbine High School. Fourteen students and a teacher lost their lives there. Surely we could do better than to just stall this bill and hold this bill up.

Every parent, every teacher, every student in this country is concerned about the school violence over the last few years. It does not make any difference which political affiliation it is. If you are a parent, you are worried about the safety of your children going to school. If you are a teacher, you are worried about your workplace. If you are a student, you worry when you go to school.

Now, many fear that there will be more tragedies. The list of places suffering incidents of school violence continues to grow to include Arkansas, Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, Colorado, Georgia, Michigan, and Florida.

We all know there is no single cause. There is no single legislative solution to cure the ill of youth violence in our schools or on our streets. But we have had an opportunity for us to do our part. Frankly, I am disappointed in the Republican majority because they are squandering this opportunity.

We passed this bill, with 73 Senators—Republicans and Democrats alike joining to pass this bill—by an overwhelming margin. The least we could do is not allow it to then languish without ever being brought up for final action so the President can either sign it or veto it.

We should have seized this opportunity to act on balanced, effective juvenile justice legislation. Instead, the Senate has been in recess more than in session since the single ceremonial meeting of the juvenile crime conference. Just think of that. That is wrong. Let us go forward and pass this.

In fact, the Republican chairman of the House-Senate conference, at our one and only conference meeting in August 1999, said:

> Our Nation has been riveted by a series of horrific school shootings in recent years, which culminated this spring—

Remember, this was said last year—

> with the tragic death of 12 students and one teacher at Columbine High School in Colorado. Sadly, the killings at Columbine High School are not an isolated event. In 1997, juveniles accounted for nearly one-fifth of all criminal arrests in the United States. Juveniles committed 13.5 percent of all murders, more than 17 percent of all rapes, nearly 30 percent of all robberies, 50 percent of all arsons. While juvenile crime has dipped slightly in the last 2 years, it remains at historically unprecedented levels. Such violence makes this legislation necessary.

I agree with the Republican chairman of that conference that such violence makes this legislation necessary. I absolutely agree with him. But I do not agree with him then leaving that conference well over a year ago and never coming back and never completing the work.

We have to finish this. We have to finish this bill. All we have to do is bring the conference together. Ninety-eight percent of the bill would be agreed to very quickly. If there is 2 percent remaining, then vote it up or vote on it.

During the course of Senate debate on the bill in May 1999 we were able to make to the bill better, stronger and better balanced. It became more comprehensive and more respectful of the core protections in federal juvenile justice legislation that have served us so well over the last three decades. At the same time we made it more respectful of the primary role of the States in prosecuting criminal matters.

I recognize, as we all do, that no legislation is perfect and that legislation alone is not enough to stop youth violence. We can pass an assortment of new laws and still turn on the news to find out that some child somewhere in the country has turned violent and turned on other children and teachers, with terrible results.

All of us—whether we are parents, grandparents, teachers, psychologists, or policy-makers—puzzle over the causes of kids turning violent in our country. The root causes are likely

multi-faceted. We can all point to inadequate parental involvement or supervision, over-crowded classrooms and over-sized schools that add to students' alienation, the easy accessibility of lethal weapons, the violence depicted on television, in movies and video games, or inappropriate content available on the Internet. There is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. Nevertheless, our legislation would have been a significant step in the right direction. As the FBI Report released on September 6, 2000 entitled ''The School Shooter'' points out, there are a number of factors that make a child turn violent.

The Senate bill, S. 254, started out as a much-improved bill from the one reported by the Judiciary Committee in the last Congress. In fact, a number of proposals that the Republicans on the Judiciary Committee specifically voted down in 1997 were incorporated at the outset into this bill. These are changes that I and other Democrats have been urging on our Republican colleagues for the past few years, and that they have resisted until quietly incorporated into this bill.

I tried in July 1997 to amend the earlier bill to protect the State's traditional prerogative in handling juvenile offenders and avoid the unnecessary federalization of juvenile crime that so concerns the Chief Justice and the Federal judiciary. Specifically, my 1997 amendment would have limited the federal trial as an adult of juveniles charged with nonviolent felonies to circumstances when the State is unwilling or unable to exercise jurisdiction. This amendment was defeated, with all the Republicans voting against it.

The Senate bill last year contained a new provision designed to address these federalism concerns that would direct federal prosecutors to ''exercise a presumption in favor of referral'' of juvenile cases to the appropriate State or tribal authorities, where there is ''concurrent jurisdiction,'' unless the State declines jurisdiction and there is a substantial federal interest in the case.

Yet, concerns remained that the bill would undermine a State's traditionally prerogative to handle juvenile offenders.

The changes we made to the underlying bill in the Hatch-Leahy managers' amendment went a long way to satisfy my concerns. For example, S. 254 as introduced would have repealed the very first section of the Federal Criminal Code dealing with ''Correction of Youthful Offenders.'' This is the section that establishes a clear presumption that the States—not the federal government—should handle most juvenile offenders [18 U.S.C. section 5001]. While the original S. 254 would have repealed that provision, the Managers' amendment retained it in slightly modified form.

In addition, the original S. 254 would have required federal prosecutors to refer most juvenile cases to the State in cases of ''concurrent jurisdiction . . . over both the offense and the juvenile.'' This language created a recipe for sharp lawyering. Federal prosecutors could avoid referral by simply claiming there was no ''concurrent'' jurisdiction over the ''offense'' due to linguistic or other differences between the federal and state crimes. Even if the juvenile's conduct violated both Federal and State law, any difference in how those criminal laws were written could be used to argue they were different offenses altogether. This was a huge loophole that could have allowed federal prosecutors to end-run the presumption of referral to the State.

We fixed this in the Managers' Amendment, and clarified that whenever the federal government or the State have criminal laws that punish the same conduct and both have jurisdiction over the juvenile, federal prosecutors should refer the juvenile to the State in most instances.

Finally, I was concerned that, contrary to current law, a federal prosecutor's decision to proceed against a juvenile in federal court would not be subject to any judicial review. The Managers' Amendment permitted such judicial review, except in cases involving serious violent or serious drug offenses.

Federal Trial of Juveniles as Adults. Another area of concern had been the ease with which the original S. 254 would have allowed federal prosecutors to prosecute juveniles 14 years and older as adults for any felony.

While I have long favored simplifying and streamlining current federal procedures for trying juveniles, I believe that judicial review is an important check in the system, particularly when you are dealing with children.

This bill, S. 254, included a ''reverse waiver'' proposal allowing for judicial review of most cases in which a juvenile is charged as an adult in federal court. I had suggested a similar proposal in July 1997, when I tried to amend the earlier bill before the Judiciary Committee to permit limited judicial review of a federal prosecutor's decision to try certain juveniles as adults. That prior bill granted sole, non-reviewable authority to federal prosecutors to try juveniles as adults for any federal felony, removing federal judges from that decision altogether. My 1997 amendment would have granted federal judges authority in appropriate cases to review a prosecutor's decision and to handle the juvenile case in a delinquency proceeding rather than try the juvenile as an adult.

Only three States in the country granted prosecutors the extraordinary authority over juvenile cases that the earlier bill had proposed. We saw the consequences of that kind of authority, when a local prosecutor in Florida charged as an adult a 15-year-old mildly retarded boy with no prior record who stole $2 from a school classmate to buy lunch. The local prosecutor charged him as an adult and locked him up in an adult jail for weeks before national press coverage forced a review of the charging decision in the case.

This was not the kind of incident I wanted happening on the federal level. Unfortunately, my proposal for a ''reverse waiver'' procedure providing judicial review of a prosecutor's decision was voted down in Committee in 1997, with no Republican on the Committee voting for it.

I was pleased that S. 254 contained a ''reverse waiver'' provision, despite the Committee's rejection of this proposal three years ago. Though made belated, this was a welcome change in the bill. The Managers' amendment made important improvements to that provision, as well.

First, S. 254 gave a juvenile defendant only 20 days to file a reverse waiver motion after the date of the juvenile's first appearance. This time was too short, and could have lapsed before the juvenile was indicted and was aware of the actual charges. The Managers' amendment extended the time to make a reverse waiver motion to 30 days, which begins at the time the juvenile defendant appears to answer an indictment.

Second, S. 254 required the juvenile defendant to show by ''clear and convincing'' evidence that he or she should be tried as a juvenile rather than an adult. This is a very difficult standard to meet, particularly under strict time limits. Thus, the Managers' amendment changed this standard to a ''preponderance'' of the evidence. These are all significant improvements over the version of this bill considered originally in the 105th Congress.

Juvenile Records. As initially introduced, S. 254 would have required juvenile criminal records for any federal offense, no matter how petty, to be sent to the FBI. This criminal record would haunt the juvenile as he grew into an adult, with no possibility of expungement from the FBI's database.

The Managers' amendment made important changes to this record requirement. The juvenile records sent to the FBI would be limited to acts that would be felonies if committed by an adult. In addition, under the Managers' amendment, a juvenile would be able after 5 years to petition the court to have the criminal record removed from the FBI database, if the juvenile showed by clear and convincing evidence that he or she is no longer a danger to the community. Expungement of records from the FBI's database would not apply to juveniles convicted of rape, murder or certain other serious felonies.

Increasing Witness Tampering Penalties. This bill, S. 254, also contained a provision to increase penalties for witness tampering that I first suggested and included in the ''Youth Violence, Crime and Drug Abuse Control Act of 1997,'' S. 15, which was introduced in the first weeks of the 105th Congress, at the end of the last Congress in the

''Safe Schools, Safe Streets and Secure Borders Act of 1998,'' S. 2484, and again in S. 9, the comprehensive package of crime proposals introduced with Senator DASCHLE at the beginning of this Congress. This provision would increase the penalty for using or threatening physical force against any person with intent to tamper with a witness, victim or informant from a maximum of ten to twenty years' imprisonment. In addition, the provision adds a conspiracy penalty for obstruction of justice offenses involving witnesses, victims and informants.

I have long been concerned about the undermining of our criminal justice system by criminal efforts to threaten or harm witnesses, victims and informants, to stop them from cooperating with and providing assistance to law enforcement. I tried to include this provision, along with several other law enforcement initiatives, by amendment to the earlier bill during Committee mark-up on July 11, 1997, but this amendment was voted down by all the Republicans on the Committee. At the end of the mark-up, however, this witness tampering provision was quietly accepted and I am pleased that it is included in S. 254.

Eligibility Requirements for Accountability Block Grant. This bill, S. 254, substantially relaxes the eligibility requirements for the new juvenile accountability block grant. By contrast, the bill in the last Congress would have required States to comply with a host of new federal mandates to qualify for the first cent of grant money, such as permitting juveniles 14 years and older to be prosecuted as adults for violent felonies, establishing graduated sanctions for juvenile offenders, implementing drug testing programs for juveniles upon arrest, and nine new juvenile record-keeping requirements. These record-keeping mandates would have required, for example, that States fingerprint and photograph juveniles arrested for any felony act and send those records to the FBI, plus make all juvenile delinquency records available to law enforcement agencies and to schools, including colleges and universities. We could find no State that would have qualified for this grant money without agreeing to change their laws in some fashion to satisfy the twelve new mandates.

In 1997, I tried to get the Judiciary Committee to relax the new juvenile record-keeping mandates under the accountability grant program during the mark-up of the earlier bill. My 1997 amendment would have limited the record-keeping requirements to crimes of violence or felony acts committed by juveniles, rather than to all juvenile offenses no matter how petty. But my amendment was voted down on July 23, 1997, by the Republicans on the Committee. Finally, two years later, S. 254 reflects the criticism I and other Democrats on the Judiciary Committee leveled at the strict eligibility and record-keeping requirements.

Indeed, the Senate decisively rejected this approach when it defeated an amendment by a Republican Senator that would have revived those straight-jacket eligibility requirements. Specifically, his amendment would have required States to try as adults juveniles 14 years or older who committed certain crimes. As I pointed out during floor debate on this amendment, only two States would have qualified for grant funds unless they agreed to change their laws.

Moreover, the current bill removes the record-keeping requirements altogether from the Juvenile Accountability Block Grant. Instead, S. 254 sets up an entirely new Juvenile Criminal History Block Grant, funded at $75 million per year. To qualify for a criminal history grant, States would have to promise within three years to keep fingerprint supported records of delinquency adjudications of juveniles who committed a felony act. No more photographs required. No more records of mere arrests required. No more dissemination of petty juvenile offense records to schools required. Instead, only juvenile delinquency adjudications for murder, armed robbery, rape or sexual molestation must be disseminated in the same manner as adult records; other juvenile delinquency adjudications records may only be used for criminal justice purposes. These limitations are welcome changes to the burdensome, over-broad record-keeping requirements in the prior version of the Republican juvenile crime bill.

The eligibility requirements for the Juvenile Accountability Block Grant now number only three, including that the State have in place a policy of drug testing for appropriate categories of juveniles upon arrest.

Core Protections for Children. Much of the debate over reforming our juvenile justice system has focused on how we treat juvenile offenders who are held in State custody. Republican efforts to roll back protections for children in custody failed in the last Congress. These protections were originally put in place when Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) to create a formula grant program for States to improve their juvenile justice systems. This Act addressed the horrific conditions in which children were being detained by State authorities in close proximity to adult inmates—conditions that too often resulted in tragic assaults, rapes and suicides of children.

As the JJDPA has evolved, four core protections have been adopted—and are working—to protect children from adult inmates and to ensure development of alternative placements to adult jails. These four core protections for juvenile delinquents are: Separation of juvenile offenders from adult inmates in custody (known as sight and sound separation); Removal of juveniles from adult jails or lockups, with a 24-hour exception in rural areas and other exceptions for travel and weather related conditions; Deinstitutionalizaton of status offenders; and to study and direct prevention efforts toward reducing the disproportionate confinement of minority youth in the juvenile justice system.

Over strong objection by most of the Democrats on the Judiciary Committee in the last Congress, the earlier bill would have eliminated three of the four core protections and substantially weakened the ''sight and sound'' separation standard for juveniles in State custody. At the same time the Committee appeared to acknowledge the wisdom and necessity of such requirements when it adopted an amendment requiring separation of juveniles and adult inmates in Federal custody.

This bill, S. 254, was an improvement in its retention of modified versions of three out of the four core protections. Specifically, S. 254 included the sight and sound standard for juveniles in Federal custody. The same standard is used to apply to juveniles delinquents in State custody.

Legitimate concerns were raised that the prohibition on physical contact in S. 254 would still allow supervised proximity between juveniles and adult inmates that is ''brief and incidental or accidental,'' since this could be interpreted to allow routine and regular—though brief—exposure of children to adult inmates. For example, guards could routinely escort children past open adult cells multiple times a day on their way to a dining area.

The Hatch-Leahy managers' amendment made significant progress on the ''sight and sound separation'' protection and the ''jail removal'' protection. Specifically, our amendment made clear that when parents in rural areas give their consent to have their children detained in adult jails after an arrest, the parents may revoke their consent at any time. In addition, the judge who approves the juvenile's detention must determine it is in the best interests of the juvenile, and may review that detention—as the judge must periodically—in the presence of the juvenile.

The managers' amendment also clarified that juvenile offenders in rural areas may be detained in an adult jail for up to 48 hours while awaiting a court appearance, but only when no alternative facilities are available and appropriate juvenile facilities are too far away to make the court appearance or travel is unsafe to undertake.

The Hatch-Leahy managers' amendment also significantly improved the sight and sound separation requirement for juvenile offenders in both Federal and State custody. The amendment incorporated the guidance in current regulations for keeping juveniles separated from adult prisoners. Specifically, the Managers' amendment would require separation of juveniles and adult inmates and excuse only ''brief and inadvertent or accidental'' proximity in non-residential areas, which

may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

I was pleased we were able to make this progress. I appreciate that a number of Members remain seriously concerned, as do I, about how S. 254 would change the disproportionate minority confinement protection in current law. This bill, S. 254, removes any reference to minorities and requires only that efforts be made to reduce over-representation of any segment of the population. I was disappointed that Senators WELLSTONE and KENNEDY's amendment to restore this protection did not succeed during Senate consideration of the bill and looked forward to continued discussion and progress on this issue in the conference.

Prevention. The bill included a $200 million per year Juvenile Delinquency Prevention Challenge Grant to fund both primary prevention and intervention uses after juveniles have had contact with the juvenile justice system. I and a number of other members were concerned that in the competition for grant dollars, the primary prevention uses would lose out to intervention uses in crucial decisions on how this grant money would be spent. With the help of Senator KOHL, we included in the Hatch-Leahy managers' amendment a clear earmark that eighty percent of the money, or $160 million per year if the program is fully funded, is to be used for primary prevention uses and the other twenty percent is to be used for intervention uses. Together with the 25 percent earmark, or about $112 million per year if that program is fully funded, for primary prevention in the Juvenile Accountability Block Grant that was passed by the Senate in the Hatch-Biden-Sessions amendment, this bill now reflects a substantial amount of solid funding for primary prevention uses.

Prosecutors' Grants. I expressed some concern when the Senate passed the Hatch-Biden-Sessions amendment authorizing $50 million per year for prosecutors and different kinds of assistance to prosecutors to speed up prosecution of juvenile offenders. I pointed out that this amendment did not authorize any additional money for judges, public defenders, counselors, or corrections officers. The consequence would be to exacerbate the backlog in juvenile justice systems rather than helping it.

The managers' amendment fixed that problem by authorizing $50 million per year in grants to State juvenile court systems to be used for increased resources to State juvenile court judges, juvenile prosecutors, juvenile public defenders, and other juvenile court system personnel.

State Advisory Groups. The Senate bill incorporates changes I recommended to the earlier version of the bill in the last Congress. I have been working to ensure the continued existence and role of State Advisory Groups, or SAGs, in the development of State plans for addressing juvenile crime and delinquency, and the use of grant funds under the JJDPA. The Judiciary Committee in 1997 adopted my amendment to preserve SAGs and require representation from a broad range of juvenile justice experts from both the public and private sectors.

While, as introduced, S. 254 preserved SAGs, it eliminated the requirement in current law that gives SAGs the opportunity to review and comment on a grant award to allow these experts to provide input on how best to spend the money. In addition, while the bill authorizes the use of grant funds to support the SAG, the bill does require States to commit any funds to ensure these groups can function effectively. I am pleased that we were able to accept an amendment sponsored by Senators KERREY, ROBERTS, and others, to ensure appropriate funding of SAGs at the State level and to support their annual meetings.

Protecting Children from Harmful Internet Content. Over the past decade, the Internet has grown from relative obscurity to an essential commercial and educational tool. This rapid expansion has brought with it remarkable gains, but has also created new dangers for our children, prompting Congress to struggle with legislation that protects the free flow of information, as required by the First Amendment, while at the same time shields our children from inappropriate material accessible on the Internet.

I share the concern of many of my colleagues that much of the material available on the Internet may not be appropriate for children and have joined in the search to find a solution that does not impinge on any important constitutional rights or the free flow of information on the Internet and avoids the pitfalls inherent in proposals such as the Communications Decency Act and other pending proposals. Specifically, Senators HATCH and I offered an amendment to S. 254, the juvenile justice bill, that was agreed to on May 13, 1999, by a vote of 100 to 0. Our Internet filtering proposal would leave the solution to protecting children in school and libraries from inappropriate online materials to local school boards and communities. The Hatch-Leahy amendment would require Internet Service Providers (ISPs) with more than 50,000 subscribers to provide residential customers, free or at cost, with software or other filtering system that prevents minors from accessing inappropriate material on the Internet. A survey would be conducted at set intervals after enactment to determine whether ISPs are complying with this requirement. The requirement that ISPs provide blocking software would become effective only if the majority of residential ISP subscribers lack the necessary software within set time periods.

Unfortunately, progress on this Internet filtering proposal has been stalled as the majority in Congress has refused to conclude the juvenile justice conference. This is just one of the many legislative proposals contained in the Hatch-Leahy juvenile justice bill, S. 254, designed to help and safeguard our children— which is why that bill passed the Senate by an overwhelming majority over a year ago.

I commend Senator MCCAIN for his leadership and dedication to this subject. I hope that we can work together on this issue since we share an appreciation of the Internet as an educational tool and venue for free speech, as well as concerns about protecting our children from inappropriate material whether they are at home, at school or in a library.

Protecting Children From Guns. Significantly, the Senate amended this bill with important gun control measures that we all hope will help make this country safer for our children. The bill, as now amended: bans the transfer to and possession by juveniles of assault weapons and high capacity ammunition clips; increases criminal penalties for transfers of handguns, assault weapons, and high capacity ammunition clips to juveniles; bans prospective gun sales to juveniles with violent crime records; expands the youth crime gun interdiction initiative to up to 250 cities by 2003 for tracing of guns used in youth crime; and increases federal resources dedicated to enforcement of firearms laws by $50 million a year. These common-sense initiatives were first included in the comprehensive Leahy law enforcement amendment that was tabled by the majority, but were later included in successful amendments sponsored by Republican Senators. No matter how these provisions were finally included in the bill, they will help keep guns out of hands of children and criminals, while protecting the rights of law abiding adults to use firearms.

In addition, through the efforts of Senators LAUTENBERG, SCHUMER, KERREY and others, we were able to require background checks for all firearm purchases at all gun shows. After three Republican amendments failed to close the gun show loophole in the Brady law, and, in fact, created many new loopholes in the law, with the help of Vice President GORE's tie-breaking vote, a majority in the U.S. Senate voted to close the gun show loophole.

Our country's law enforcement officers have urged Congress for more than a year to pass a strong and effective juvenile justice conference report. The following law enforcement organizations, representing thousands of law enforcement officers, have endorsed the Senate-passed gun safety amendments:

International Association of Chiefs of Police;

International Brotherhood of Police Officers;

Police Executive Research Forum;

Police Foundation;

Major City Chiefs;

Federal Law Enforcement Officers Association;

National Sheriffs Association;

National Association of School Resource Officers;

National Organization of Black Law Enforcement Executives;

Hispanic American Police Command Officers Association.

Our law enforcement officers deserve Congress' help, not the abject inaction that has ensued over that last two years.

I recount a few of the aspects of the Hatch-Leahy juvenile crime bill to indicate that it was comprehensive and that it was the result of years of work and weeks of Senate debate and amendment. I said at the outset of the debate last May 1999 that I would like nothing better than to pass responsible and effective juvenile justice legislation. I wanted to pass juvenile justice legislation that would be helpful to the youngest citizens in this country—not harm them. I wanted to pass juvenile justice legislation that assists States and local governments in handling juvenile offenders—not impose a ''one-size-fits-all'' Washington solution on them. I wanted to prevent juveniles from committing crimes, and not just narrowly focus on punishing children. I wanted to keep children who may harm others away from guns. This bill would have made important contributions in each of these areas.

At the time the bill was considered by the Senate, in May 1999, the Republican Manager of the bill, declared his support for the Senate bill and said:

Littleton was different. The need to do something about the serious problem of youth violence has always been apparent. The tragedy of a month ago gave us the ingenuity and dedication to follow through. . . . I believe that the Senate has crafted a consensus product and one which I intend to support.

He called the Senate bill ''a testament to those who worked on it and a product which, on the whole, will help our young people and do something significant about the problems of juvenile crime.'' He observed:

People believe we are powerless to deal with violent juvenile crime and that we are powerless to change our culture. It is this feeling of powerlessness which threatened our collective ambition for meaningful, penetrating solutions in the wake of the Littleton tragedy. I believe the Senate has taken a meaningful step towards shedding this defeatism.

* * * * *

Given the seriousness of our youth violence problem—and the number of warning signs that tragedies will continue unless all of us come together—we must move forward. We should join together and pass this bill.

I deeply regret that the Republican leadership of this Congress will not complete our work by holding the conference, meeting, voting, and reporting a final bill to the House and Senate and sending to the President a bill that would improve juvenile justice and school safety.

I commend the Administration for the numerous efforts it has made within the limitations of current law. Most recently, the Department of Justice has made available a Threat Assessment Perspective on school violence developed by the Critical Incident Response Group and National Center for the Analysis of Violent Crime of the FBI. This follows upon the joint Justice and Education Department publication ''Early Warning, Timely Response: A Guide to Safe Schools,'' which was made available nationwide in 1998. In addition, the Department of Justice has provided important resources through the COPS in Schools Grant Program.

In closing, I thank our schools, teachers, parents, and children for all they have done in the past 2 years, without the Congress' help, to lower the level of violence in our schools. But I regret that this Congress has failed to do its work to provide the additional resources and reforms that would have been helpful and reassuring to our children, parents, grandparents, and teachers at schools. It can be better. It is unconscionable if we do not do better.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RURAL SATELLITE TELEVISION BILL

Mr. LEAHY. Mr. President, I understand that my friend from Mississippi, the distinguished majority leader, may propose a unanimous consent request regarding the rural television loan guarantee bill which I have been working to get passed for many months. If the consent request actually offered is the one I have seen, I will have to object when that happens. I will explain why now so I don't hold up the distinguished leader when he comes to the floor.

As a conferee last year on a major satellite television bill—the Satellite Home Viewer Improvement Act—I worked hard to include, along with other Senators, a provision that would have assured that rural Americans were not left out of the benefits of that Act. I teamed up with other Senators to include a title that would have allowed USDA to provide loan guarantees to companies that wished to offer local-into-local television to rural Americans. We wanted to do this so that rural families would be able to receive their local network television stations over satellite, or other service, along with the full range of other programming. We wanted rural families to be able to get local news, local weather warnings and local programming but recognized that without a loan guarantee program that might never happen.

In other words, we wanted to share the benefits of that bill that would go to urban areas to rural Americans also through a loan guarantee program. I know many parts of rural America would not have the benefits of it without a loan guarantee program. It is similar to what we did in my grandparents' time to bring telephone service and electricity to rural areas.

As a Conferee, I originated the rural satellite guarantee program to be administered by USDA when I was a conferee on the satellite TV bill. Unfortunately, one of the Senate committee chairmen objected to that provision and insisted that it be pulled from the Conference Report. To date, we have been unable to resolve this matter and regain the ground we lost last year. I know the distinguished junior Senator from Montana, Senator BURNS, took an early leadership role in this matter. His colleague, the distinguished senior Senator from Montana, Senator BAUCUS, introduced legislation with me last year also on this issue. We did this to show bipartisan support.

I want to work with all Members on this. The reason I would make such an objection, if it were done the way I have been told, is that to do otherwise I would have to abandon rural America, and I don't intend to do that. As a product of rural America, I feel my roots there very deeply. Ironically enough, this could have already been law by today. There is a simple solution. A lot of Republicans and Democrats agree on this. We can send a great rural satellite loan guarantee bill to the House by working together. I think that could be passed by unanimous consent. Or, we could enact a final bill by a Senate amendment to the House-passed bill. We could do that in the time it would take to get the conferees together to meet.

I am concerned that a conference would delay this process until the end of the year and result in denying rural Americans local-into-local television—the same kind of satellite local-into-local television urban residents now enjoy. I use as an example the electronic signature conference. That showed how difficult a conference can be and it shows how long a conference can take. That conference took way more time to finish than we have left to devote to any rural satellite conference. In addition, the Congress has to pass at least ten major appropriations bills or else there could be another government shutdown. In this case, the proposal would leave two key committees off the conference.

Regarding the e-signature conference, when we finally got the right mix of conferees and followed proper procedures, we still had many struggles before we finished a strong e-signature bill that has been applauded by both businesses and consumers. However, this time around we do not have time because the Congress is going out of session soon.

But we clearly have time to enact this rural satellite bill. My staff provided draft language to many of the Republican and Democratic offices months ago in order to help resolve this matter. I urge the majority leader and the Democratic leader to call a meeting so we can resolve this important issue and send a clean bill over to the House without wasting time. I suspect it would be passed very quickly, with very strong support from the rural areas of our country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

MEDICARE

Mr. FRIST. Mr. President, I want to very briefly continue a discussion that was held earlier on the floor today addressing an issue that means not only a great deal to me but also to about 35 million seniors in this country as well as 5 million individuals with disabilities. That is the issue of Medicare.

Our obligation, I believe, is to modernize Medicare and give those seniors and those individuals with disabilities what they deserve; that is, health care security as we know it is or should be in the year 2000, not the sort of health care security that was appropriate for 1956, back when Medicare began.

The challenge before us today as a body and the challenge before the American people is really pretty clear; that is, how to best implement a real plan for real people, those seniors and those individuals with disabilities—not just a piece of legislation but a real plan that will modernize Medicare in a way that will give them real health care security.

A lot of individuals with disabilities and a lot of seniors out there don't really realize how antiquated and out of date the current Medicare system is. I would like to make several points.

First of all, I believe modernization of Medicare today where it can truly offer health care security is really a moral obligation that we have to our seniors.

Second, under the leadership of Clinton/Gore, we have had really 8 years where a lot of opportunities have been squandered, and they simply have not led, if we look at this field of Medicare modernization.

Third, we have to ask ourselves in terms of how best to modernize. If we have an old jalopy that still is running along and still gets us from point to point, do we just want to put new gas in that car—we know it is going to eventually fail—or do we want to go ahead and modernize that car so that it will still get us from point to point but it will do so more efficiently and effectively in a way that will give us security and not just get us there but get us there with the very best quality?

First of all, modernization of health care is a moral obligation. Why do I say that?

If we look back to 1965 when Medicare began, Medicare was constructed to give health care security—inpatient care and some outpatient care—in a very effective way. For acute-care models, if you had a heart attack, you were taken care of essentially in the hospital. Prescription drugs were important but not nearly so important as they are today. We simply didn't know very much about preventive medicine in 1965 and 1970. But all of that has changed. Now we know prescription drugs are critically important to health care security. We know issues such as preventive health care can not only save money but, most importantly, improve the quality of life—not just longer lives but a higher quality of life.

The sad thing is that people don't know Medicare today has very little preventive care in it. I talk to seniors all over the State of Tennessee in town meeting after town meeting. I say it has a little preventive care. They say: We didn't know that. When I talk about prescription drugs, it is surprising to many people today; not only seniors but others do not know that Medicare does not include prescription drugs.

I ask an audience of seniors or individuals with disabilities: How much do you think the Federal Government is helping you with your health care in terms of costs? If you are paying several thousand dollars a year for your health care, how much does the Government actually pay? They say 80 percent, initially, or they say 70 percent, or 60 percent. But in truth, on average, for seniors' health care costs, only about 53 cents on the dollar is paid for by the money they have paid in—by the Government and by the taxpayer. They are responsible and end up paying about 47 cents on the dollar in spite of the fact they paid into this Medicare trust fund over their lives.

Thus, I think we have a moral obligation if we are committed to health care security and to modernization of a system that we know will be modern, that will include preventive care and prescription drugs.

That leads me to the second point. If that is the case and the facts—and it is—where has our leadership been? Where has Vice President GORE been? Where has President Clinton been? They squandered an opportunity over the 6 years I have been in this body, and over the last 8 years, to modernize that system; that is, that Medicare is built on a 1965 model, 35 years ago. It is outdated; it is antiquated; it is a car that is still moving and getting the care but not nearly as efficiently or as comprehensively as our seniors deserve.

The squandering of the opportunity is a pretty tough term to use, saying that our leadership, through President Clinton and Vice President GORE, squandered this opportunity. Run down the list. We had a National Bipartisan Medicare Commission that I had the opportunity to serve on with JOHN BREAUX, a Democrat, BILL FRIST, Republican. We were pretty evenly split between Democrats and Republicans. We had the private sector and public sector involved. In essence, the administration, under President Clinton and Vice President GORE, walked away from the Commission's recommendations that were built on over 40 open hearings with access to the very best experts in the United States of America. At the last minute, they walked away from the proposals which had bipartisan support. A majority of the Members supported it. An opportunity squandered. The purpose of that Commission was to modernize Medicare, to bring it up to date, to give our seniors the health care they deserve.

As to the Balanced Budget Act of 2 years ago, the Budget Committee in this body, the U.S. Congress, said: Yes, we need to slow Medicare down, make it fiscally responsible, make sure it is around 20 and 30 years from now. The way it was implemented under President Clinton and Vice President GORE, $37 billion less than we budgeted was spent—$37 billion less.

What has that resulted in? It has resulted in facilities closing down, over 200 hospitals—some urban hospitals serving the poor, some rural hospitals in Tennessee, and around the country—have closed.

As many as 20 percent of all Medicare-providing nursing homes are either at risk for bankruptcy or already have gone bankrupt because of this excessive cut in spending—not intended by the U.S. Congress—carried out by this administration.

We hear today there are hundreds of thousands of seniors who are losing access today to prescription drug coverage because they were in a plan called Medicare+Choice plans. Why are they leaving? Why are the plans not able to stay in business today? Because this administration, through the bureaucratic administrative load burden that sits on the shoulders of these plans—when placing the burden on the plans, it falls down to the doctors. Basically, they cannot participate any longer. Those are plans that are giving prescription drugs, making them available. Another squandered opportunity by this administration.

On top of all of that, we had this demographic shift because of the baby boom that we talk about. Yet because of a lack of leadership at the Presidential level and the Vice Presidential level, we squandered another opportunity. The demographic shift is the following: Over the next 30 years, the number of seniors will double compared to what it is today. The number of people paying into this trust fund

will continue to go down. That demographic shift results in catastrophe if we don't make the system more efficient.

Modernization is a moral obligation, No. 1.

No. 2, our leadership in the executive branch has squandered the opportunity over the last 8 years to do something about it.

No. 3—and this is the fundamental question—do we want new gas poured into an old car, an old jalopy percolating along, or do we want to have a modern car that can operate efficiently, in a way that guarantees that health care security, that would have different options, and the option might be preventive health care; it might be prescription drug coverage.

That is what we are faced with today. That is what we talked about a little bit on the floor today, and that is what the Presidential election is all about.

With a little more gas, a broken down jalopy is going to fail. Everybody agrees because of the demographic shift there is no way to continue.

We have the various options out there that we know our seniors deserve, thus the moral obligations that our individuals with disabilities deserve.

Having blocked fundamental reform on this jalopy out there, Vice President GORE and President Clinton now, in terms of prescription drugs, simply want to take off benefits and add them on to the system, without changing the system whatever. Using the old bureaucracy, the old broken down car, the Gore plan wants to take 8 years to pour the gas into that car. It will take 8 years before that prescription drug plan that the Vice President wants to add on to this antiquated, out-of-date Medicare system, to be fully implemented. Or do we want the new car, want Medicare modernized to include prescription drug coverage, to include a modern choice of plans.

I think we have a unique opportunity. Today, workers really can say, under a modern program, that every senior will be able to keep exactly the same benefits they have today. Under a modern program, every senior will be offered a choice of benefits that includes prescription drugs for the first time, that will include preventive care for the first time, and that every senior will be covered for catastrophic Medicare costs.

I do urge my colleagues in this body and all Americans to recognize and to call for real health care security, a real plan for real people.

Mr. LOTT. Mr. President, I ask Senator FRIST if he would yield to me before he yields the floor.

Mr. FRIST. I yield.

Mr. LOTT. Mr. President, I thank Senator FRIST for the good work that he does on behalf of his constituents but also the entire Senate. He is the only doctor we have in the Senate, a very outstanding heart surgeon. He did quite an outstanding number of things before he ran for the Senate, the first time he had ever run for office, and he has become a very valuable Member of this body. When he talks about health care, health care delivery, he has seen it as a doctor; he has seen it from the standpoint of the patients with whom he has had to deal. He has seen it from the standpoint of what hospitals do or can't do. He has seen unbelievably magnificent technological medical advances that have allowed our people to live longer and have a better quality of life. He knows about heart, lung, and liver transplants. It is a miracle.

We want to continue to improve health care in America. I think we have to recognize that it is changing so fast, we have so many people living so much longer with different kinds of needs, we have to be flexible and we have to make changes. He also understands that we could kill the goose that laid the golden egg. We still are blessed in this country to have the best health care, the most sophisticated, technologically advanced health care the minds of men have ever conceived in the history of the world. And we want to make sure that we protect that, preserve it, and make it better.

A good way to begin to kill it is to turn it over to the Federal Government. The Government can kill the goose that laid the golden egg; it can take it down. That is why the American people and the Congress didn't go along with the Government takeover of health care that was advocated in 1993.

Senator FRIST, as a doctor, has come in and has gotten involved. He is working on these issues. He has been involved in our debate on health issues. That is why I asked him to serve also on our Medicare Bipartisan Commission. We had five or six Senators on that Commission: Senator GRAMM of Texas, Senator FRIST, Senator ROCKEFELLER, Senator KERREY, and Senator BREAUX of Louisiana was the chairman, the Democrat chairman of this Bipartisan Commission. I also was very pleased to have a lady in her seventies from my State of Mississippi as one of the commissioners. She was the only one with gray hair on the whole Commission. She was the only one not only eligible for Medicare, she was the one person who dealt every day with Medicare, where the rubber hits the road, dealing with Medicare cases in my State office in Jackson, MI—Eileen Gordon. Dr. FRIST will tell you she was an outstanding member of the Commission, but she used to say during the meeting: Let me tell you how this really works. Among all these experts, all those theoreticians, there was one person dealing with it on an individual basis who did a magnificent job.

That Commission did a good job. They came up with Medicare reforms which would preserve and improve the system, and it included a prescription drug component, with choice, with the private sector involved but prescription drug benefits for those with incomes up to 135 percent of poverty. It was a good plan and a bipartisan plan.

I thought we should have moved it forward. I called and talked to President Clinton on Monday, I believe it was, of the week that they were supposed to report, pleaded with him to take another look at it; not shoot it down, in effect. He said he had a problem with this or that.

I said: Mr. President, that has been changed. Please talk to JOHN BREAUX, the chairman of the Commission. Get the latest proposal. Let's keep the process going. Let's let it come on up to the Finance Committee. The Finance Committee can have hearings and look at it. Let's get this thing going. We can get some reforms; we can get prescription drug benefits.

As a matter of fact, he did call Chairman BREAUX and he did take a look at it. But he did walk out into the Rose Garden a day or two after that and said: This is no good. We are not going to do it.

That was a magic moment missed. That was in the spring of 1999.

But they got it started in the right direction. Really, that is still where we should go. We should have prescription drug benefits available to those, the low-income elderly, who really need help who can't afford it, can't get it now, but not subsidize it for everybody. We don't need prescription drug benefit assistance for Donald Trump or Bill Gates or BILL FRIST. We need it for low-income elderly people such as my mother, who has to live on $859 a month and pay her bills in an assisted care facility, and pay her drug bills. She needs help. A lot of people like her need help. But they don't need it 15 months from now or 8 years from now. They need it now.

That is why I am pleased that Chairman ROTH has come up with a package that will do that. It doesn't have the Medicare reforms we ought to have.

Senator FRIST is right; if we just put more passengers on this ship that is sinking, it is going to sink even faster. So we need to preserve Medicare. We need some improvements and reforms. We need to make sure none of this money is used for anything but Medicare. Then we need to have a very sensible prescription drug component aimed at the elderly poor who really need it.

I appreciate the time he spent in the Medicare commission. I think we ought to reconstitute the Medicare commission. I hope the next President will reconstitute that group and say: You have 120 days. I want to hear from you then. We are going to act on what you recommend; up or down, but we are going to act on it.

I hope Senator FRIST will be willing to serve. But have I given an accurate assessment of what happened with the Medicare commission? Is that a correct description of the prescription drug component of that bill?

Mr. FRIST. Mr. President, in response, the description is very accurate. When I say that opportunities have been squandered, I put that first

and foremost because it very much demonstrates the bipartisanship, working together, not having roadblock after roadblock after roadblock placed in front of good ideas; working together. That serves real people, those seniors who are out there today.

Let me close and say the one other thing the leader mentioned, which is critically important—there can be all sorts of solutions proposed, whether for prescription drugs or to save Medicare long term. The one answer that was clear after a year of work on this bipartisan Medicare commission, one idea that repeatedly came forward from the experts all over the United States of America, and even people coming in from other countries, was that a one-size-fits-all system, dictated by Washington, DC, the beltway mentality, is the one thing that will be destructive to me delivering health care; whether it is BILL FRIST as a heart transplant surgeon or my father who practiced for 55 years, initially down in Mississippi and then back up in Tennessee. The one thing that will destroy quality is one-size-fits-all, which inevitably results in price controls, which destroy creativity, research, innovation, the hope for cures for Alzheimer's, for stroke, for heart disease.

One last component. There are things we can do now, now in the next 6 months, on prescription drugs. We don't have to wait forever. We don't have to wait for 8 years to have a program. The Gore proposal or Clinton proposal takes 8 years to phase in. We can act now and get prescription drugs to the people who need it most within 6 months, 8 months, or 9 months.

Mr. LOTT. I thank the Senator for his work. He is right. What we need is reform that provides results now, prescription drugs now for those who really need it. We don't need more roadblocks. We are going to work together to see if we can make that happen.

I thank him for yielding.

Now, I believe, Mr. President, I ask for the floor on my own time.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENE C. ''PETE'' O'BRIEN RETIRES

Mr. LOTT. Mr. President, Pete O'Brien, who has served the Senate community for 32 years, plans to retire. This loss will be felt by all offices of the Senate and the Sergeant at Arms as he completes his final day as Manager of Parking, I.D., and Fleet Operations on September 11, 2000.

Pete started his career with the U.S. Capitol Police in 1968 and worked his way up to Sergeant in the Patrol Division. During his training at the Federal Law Enforcement Training Center he was nicknamed ''100%'' after earning the first perfect score in the class on an examination.

In 1980 he moved to the Senate Sergeant at Arms office as Supervisor of Administrative Operations. In 1985 he became Manager of Senate Parking. The challenge of managing limited parking with ever increasing needs has been skillfully maintained during the years under his watch. His institutional knowledge of the Senate's history and operations will be surely missed in this great institution.

Both Pete and his wife Jeanie are native Washingtonians. Pete attended P.G. Community College and the University of Maryland where he studied Political Science. Pete and Jeanie recently moved to Springfield, Virginia, after 20 years in Clinton, Maryland. He plans to spend his retirement enjoying his hobbies of photography, downhill skiing and electronics. His elder daughter Kelly and her husband Colman Andrews have brought something new to Pete's life, grandson Connor Shawn Andrews, born in April. Pete is also looking forward to the upcoming marriage of his younger daughter Erin.

So on behalf of the Senate, I want to thank Pete for his dedicated, selfless service and wish him many years of happiness with the new joy of his life, Connor, and with all of his family.

INDEPENDENT COUNSEL ROBERT RAY'S INTENTION TO RELEASE HIS CONCLUSIONS IN THE WHITEWATER MATTER

Mr. LEVIN. Mr. President, I come to the floor today to express my shock at the recent statement of independent counsel Robert Ray in last week's New York Times that he will shortly be releasing findings and conclusions in the Whitewater matter. Only the special court has the authority to release the final report of an independent counsel or any portion of a final report, and the only authority the law gives an independent counsel is to prepare a final report and file it with the special court. Mr. Ray has no legal authority to unilaterally release results of his investigation, and if he does so, he is defying the law.

Section 594 of the independent counsel law lists the authority and duties of an independent counsel. And, although this law has expired with respect to the appointment of new independent counsels, it is still the applicable law with respect to already existing independent counsels like Mr. Ray. And here's what the law says with respect to reports by independent counsels.

(h)(1) An independent counsel shall—

(A) [file 6 month expense reports with the special court] and

(B) before the termination of the independent counsel's office under section 596(b), file a final report with the division of the court, setting forth fully and completely a description of the work of the independent counsel, including the disposition of all cases brought.

That section of the law then goes on to prescribe the process for disclosing information in the final report, and here's what it says:

(h)(2) The division of the court may release to the Congress, the public, or any appropriate person, such portions of a report made under this subsection as the division of the court considers appropriate. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in such report and to prevent undue interference with any pending prosecution. The division of the court may make any portion of a final report filed under paragraph (1)(B) available to any individual named in such report for the purposes of receiving within a time limit set by the division of the court any comments or factual information that such individual may submit. Such comments and factual information, in whole or in part, may, in the discretion of the division of the court, be included as an appendix to such final report.

As anyone can see from the plain language of the statute, we placed the full responsibility for disclosure of the final report —or any portion of a final report—exclusively in the hands of the special court. We did this, in significant part, out of the concerns we had that individuals named in the report be given an opportunity, out of a sense of fairness, to provide their comments to the public at the time the report is released. That's why we gave the special court the authority to make ''any portion of the final report . . . available to any individual named in'' the report prior to any release to the public — so such individual could file comments or factual information for the court to consider in deciding whether to make such report or portion of the report public and if so, to append such comments or factual information to the report for distribution. Any public release of findings and conclusions would deny individuals named in the report the opportunity to comment on the report prior to release as expressly intended by Congress.

Mr. Ray's statement that he intends to release findings and conclusions of his investigation into the Whitewater matter when he sends his final report to the special court is contrary to the requirements of the law. Mr. Ray should reverse his stated course and comply with the law. I have written to Mr. Ray to urge him to withhold releasing findings and conclusions about the Whitewater matter until permitted to do so by the special court. I have also notified the Attorney General of my concerns and urged her, as the only one with supervisory authority over independent counsels, to take the appropriate action to keep Mr. Ray's conduct within the parameters of the independent counsel law. And finally, I have written to the special court to bring this to the court's attention and to urge the special court to enforce the law and their exclusive prerogative under the law to control any public release of the independent counsel's findings and conclusions.

I ask unanimous consent that the New York Times article of August 29, 2000, appear in the RECORD immediately following my remarks as well as copies of my letters to the Attorney General, the special court and Mr. Ray.

There being no objection, the material was ordered to be printed in the RECORD as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, September 7, 2000.

Hon. DAVID B. SENTELLE,
United States Circuit Judge, United States Court of Appeals for the District of Columbia Circuit, Special Division, Washington, DC.

DEAR JUDGE SENTELLE: The New York Times published an article on August 29, 2000, (copy enclosed) which reported that independent counsel Robert Ray is planning to release to the public the findings and conclusions of his investigation into the Whitewater matter at the same time he files the final report on the Whitewater matter with the special court. Such action would, in my opinion, be in violation of the independent counsel law, and I urge you and your colleagues on the court to take whatever action may be appropriate.

Only the special court has the authority to release the final report or any portion of a final report of an independent counsel, and the only authority the law gives an independent counsel is to prepare a final report and file it with the special court. Section 594(h)(2) of the law provides:

''The division of the court may release to the Congress, the public, or any appropriate person, such portions of a report made under this subsection as the division of the court considers appropriate. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in such report and to prevent undue interference with any pending prosecution. The division of the court may make any portion of a final report filed under paragraph (1)(B) available to any individual named in such report for purposes of receiving within a time limit set by the division of the court any comments or factual information that such individual may submit. Such comments and factual information, in whole or in part, may, in the discretion of the division of the court, be included as an appendix to such final report.''

The law places the full responsibility for disclosure of the final report—or any portion of a final report—in the hands of the court.

I have enclosed a copy of the statement I delivered to the Senate on this matter as well as copies of the letters I sent to the Attorney General and to Mr. Ray.

I hope you will respond promptly to this matter, since Mr. Ray apparently plans to be releasing his findings and conclusions in the next few weeks. Thank you for your attention to my concerns.

Sincerely,

CARL LEVIN.

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, September 7, 2000.

ROBERT RAY, Esquire,
Office of Independent Counsel, Washington, DC.

DEAR MR. RAY: The New York Times published an article on August 29, 2000, (copy enclosed) which reported that you are planning ''to issue [the] findings and conclusions'' of your investigation into the Whitewater matter to the public at the same time you file your final report on that matter with the special court. If that is true, it would, in my opinion, violate the requirements of the independent counsel law. I urge you, therefore, to comply with the law and keep your findings and conclusions nonpublic until, as the law requires, the special court decides whether and, if so, when to make the final report or any portion thereof available to the public.

I write this letter to you for several reasons. First, as one of the senators involved in the oversight and reauthorization of the independent counsel law for these past 20 years I have a strong and longstanding interest in making sure that the law is followed. The requirement for a final report has been a controversial one, since federal prosecutors do not prepare such reports and keep the results of their investigations confidential, unless they proceed with indictments or informations. But the law is clear on an independent counsel's responsibility with respect to the final report. Only the special court has the authority to release the final report of an independent counsel or any portion of a final report, and the only authority the law gives an independent counsel is to prepare a final report and file it with the special court. Section 594 (h)(2) of the independent counsel law provides:

''The division of the court may release to the Congress, the public, or any appropriate person, such portions of a report made under this subsection as the division of the court considers appropriate. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in such report and to prevent undue interference with any pending prosecution. The division of the court may make any portion of a final report filed under paragraph (1)(B) available to any individual named in such report for the purposes of receiving within a time limit set by the division of the court any comments or factual information that such individual may submit. Such comments and factual information, in whole or in part, may, in the discretion of the division of the court, be included as an appendix to such final report.''

Second, one of our major concerns about making the report public was that individuals named in the report be given an opportunity, out of sense of fairness, to provide their comments to the public at the time the report is released. That's why we gave the special court the authority to make ''any portion of the final report . . . available to any individual named in'' the report prior to any release to the public so such individual could file comments or factual information for the court to consider in deciding whether to make such report or portion of the report public and if so, to append such comments or factual information to the report for distribution. Any public release of your findings and conclusions would deny individuals named in the report the opportunity to comment on the report prior to release as expressly intended by Congress.

As an independent counsel you have been given a tremendous amount of discretion and power. The appropriate exercise of the independent counsel law relies on your ability to exercise such discretion and power in a fair, just and lawful manner. I know of no one who worked on the independent counsel law these past 20 years who contemplated an independent counsel issuing the findings and conclusions of a final report before the special court had reviewed such report, had the opportunity to permit comment by persons named in such report, and released such report to the public on the court's order. I urge you to act in this matter in accordance with both the law and Congressional intent.

On a related matter, during the Senate's consideration of the 1994 reauthorization of the independent counsel law, the Senate adopted an amendment by Senator Robert Dole to limit the scope of the final report required of independent counsels. Senator Dole offered his amendment to remove any requirement that an independent counsel explain in the final report the reasons for not prosecuting any matter within his or her prosecutorial jurisdiction. While the provision not prosecuting any matter within her prosecutorial jurisdiction. While the provision requiring the final report was retained to provide an accounting of the work of the independent counsel, the amendment by Senator Dole was intended to prohibit the expression of opinions in the final report regarding the culpability of people not indicted.

The legislative history on this amendment by Senator Dole, which was enacted into law, is instructive. Senator William Cohen, who floor-managed the reauthorization bill with me, explained the Dole amendment as follows: (November 17, 1993, Congressional Record, page 29618):

''Both Senator Levin and I feel that Senator Dole has raised a valid point. We believe that that final report should be a simple declaration of the work of the independent counsel, obviously pertaining to those cases in which he or she has sought indictments but with respect to cases in which the independent counsel had determined that no such indictment should be brought, to preclude that independent counsel from expressing an opinion or conclusion as to the culpability of any of the individuals involved. * * * So the purpose of the amendment is quite clear, to restrict the nature of the report to the facts without engaging in either speculation or expressions of opinion as to the culpability of individuals unless that culpability or those activities rise to a level of an indictable offense, in which case the independent counsel would be duty bound to seek an indictment.''

The Conference Report for the 1994 reauthorization summarized the purpose and scope of the amendment (Conference Report, may 19, 1994, HR 103–511, page 19):

''The power to damage reputations in the final report is significant, and the conferees want to make it clear that the final report requirement is not intended in any way to authorize independent counsels to make public findings or conclusions that violate normal standards of due process, privacy or simple fairness.''

As you work on the final report, I hope you will pay close attention to the change we made to the law in 1994 with respect to the content of the final report as a result of the Dole amendment.

I am also enclosing for your information copies of the letters I have sent to the special court and the Attorney General concerning the matters I have raised in this letter as well as a copy of the statement I made to the Senate.

Sincerely,

CARL LEVIN.

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, September 7, 2000.

Hon. JANET RENO,
Attorney General,
U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: The New York Times published an article on August 29, 2000 (copy enclosed) which reported that independent counsel Robert Ray is planning to release to the public the findings and conclusions of his investigations into the Whitewater matter at the same time he files the final report on the Whitewater matter with the special court. Such action would, in my opinion, be in violation of the independent counsel law, and I urge you to take the appropriate action.

Only the special court has the authority to release the final report or any portion of a

final report of an independent counsel, and the only authority the law gives an independent counsel is to prepare a final report and file it with the special court. Section 594(h)(2) of the law provides:

''The division of the court may release to the Congress, the public, or any appropriate person, such portions of a report made under this subsection as the division of the court considers appropriate. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in such report and to prevent undue interference with any pending prosecution. The division of the court may make any portion of a final report filed under paragraph (1)(B) available to any individual named in such report for the purposes of receiving within a time limit set by the division of the court any comments or factual information that such individual may submit. Such comments and factual information, in whole or in part, may, in the discretion of the division of the court, be included as an appendix to such final report.''

The law clearly places the full responsibility for disclosure of the final report—or any portion of a final report—in the hands of the court.

Moreover, one of our major concerns about making the report public was that individuals named in the report be given an opportunity, out of a sense of fairness, to provide their comments to the public at the time the report is released. That's why we gave the special court the authority to make ''any portion of the final report . . . available to any individual named in'' the report prior to any release to the public so such individual could file comments or factual information for the court to consider in deciding whether to make such report or portion of the report public and if so, to append such comments or factual information to the report for distribution. Any public release of Mr. Ray's findings and conclusions before release by the special court would deny individuals named in the report the opportunity to comment on the report prior to release as expressly intended by Congress.

The independent counsel law also clearly gives you as Attorney General, and you alone, the supervisory responsibility to ensure that the law is faithfully executed. The Supreme Court relied on this authority in upholding the constitutionality of the statute. In *Morrison* versus *Olson* the Court said:

''(B)ecause the independent counsel may be terminated for 'good cause,' the Executive, through the Attorney General, retains ample authority to assure that the counsel is competently performing his or her statutory responsibilities in a manner that comports with the provisions of the Act.'' (At 692)

Later or in the opinion the Court reiterated this view when it said:

''(T)he Act does give the Attorney General several means of supervising or controlling the prosecutorial powers that may be wielded by an independent counsel. Most importantly, the Attorney General retains the power to remove the counsel for 'good cause,' a power that we have already concluded provides the Executive with substantial ability to ensure that the laws are 'faithfully executed' by an independent counsel.'' (At 696)

Mr. Ray's announced release to the public of his findings and conclusions in the Whitewater case before the special court has ordered such release defies the requirements of the independent counsel law and merits action on your part to stop it. Since Mr. Ray apparently plans to release his findings and conclusions in the next few weeks, I urge your immediate attention to this matter.

I have enclosed a copy of the letters on this matter that I sent to the special court and Mr. Ray as well as a copy of a statement I made to the Senate. Thank you for your attention to my concerns.

Sincerely,

CARL LEVIN.

[From the New York Times, Aug. 29, 2000]

COUNSEL REPORT ON WHITEWATER EXPECTED SOON

(By Neil A. Lewis)

WASHINGTON, AUG. 28.—Robert W. Ray, the Independent counsel, said he expected to issue a statement of his findings and conclusions about the Whitewater investigation a few weeks before New York voters go to the polls to choose between Hillary Rodham Clinton and Representative Rick A. Lazio, her Republican opponent for the United States Senate.

Mr. Ray, whose office has investigated President and Mrs. Clinton on a range of issues for more than four years, also said in an interview that he would announce his decision on whether he would seek an indictment of Mr. Clinton in connection with his affair with a White House intern shortly after the President left office. The prosecutor suggested that the announcement about the possible indictment of Mr. Clinton would come within weeks after a new president is inaugurated on Jan. 20. Mr. Ray has already issued two reports, one essentially clearing the Clintons in the collection of confidential F.B.I. files about Republicans and another critical of Mrs. Clinton's role in the dismissal of longtime employees in the White House travel office.

Setting out for the first time an explicit timetable on those two matters in an interview on Friday and in comments through a spokesman today, Mr. Ray also discussed some considerations about the timing. Any criticism of Mrs. Clinton from Mr. Ray in the final weeks of her campaign could turn into a political issue. But Howard Wolfson, Mrs. Clinton's campaign spokesman, said today in response to Mr. Ray's plans: ''New Yorkers have already made up their minds about this. They know there is nothing here.''

Mr. Ray refused to discuss what the Whitewater report might contain. While it has long been known there will be no recommendation of any criminal indictment, the statement is almost certain to discuss how his findings compare with Mrs. Clinton's assertions to investigators and to the public about her role as a lawyer in connection with several real estate dealings in Arkansas. ''It's my intention to issue those findings and conclusions prior to the election,'' he said. ''Right now I'm trying for mid-September.'' Mr. Ray said he would issue his Whitewater conclusions the moment they are ready and ''not a second later.'' He said it would be wrong to delay disclosing them. ''Even withholding them could have political repercussions,'' he said, ''and that could be viewed as being manipulative.'' Mr. Ray said he believed that issuing his statement a few weeks before the election would provide enough time for anyone to respond to it and for the public to fully absorb both his views and those of anyone who disputed his findings.

He said that the one situation that might change his plans would be if the statement was not ready until just a few days before the election. If that were the case, he said, he would consider withholding it. With regard to his decision about Mr. Clinton and the possibility of bringing an indictment after he leaves office, Mr. Ray said he had an obligation to conclude the matter as soon as possible. ''It's time this matter was brought to closure,'' he said, ''And it is coming to closure.'' He added: ''I know the country is weary of this. The country needs to get past this.'' Mr. Ray impaneled a new grand jury on July 11 to consider whether Mr. Clinton should be indicted in connection with his denials under oath about whether he had a sexual relationship with Monica Lewinsky, a onetime White House intern. He described the decision-making process as largely ''a deliberative one now, not an investigative one.'' Because the sole issue is whether to charge the president after he leaves office, Mr. Ray said he intended to take full advantage of the time until Mr. Clinton left office to make up his mind. He said his deliberations would require a few months. Mr. Ray also said there were other factors to consider but declined to elaborate.

One possible factor is whether Mr. Clinton is disbarred. A state judge in Arkansas is considering a recommendation from a special bar committee that Mr. Clinton be stripped of his law license because of his denials under oath of a relationship with Ms. Lewinsky. A trial on the matter is likely to be held this fall. Though Mr. Ray is an independent counsel, he is obliged to follow Justice Department guidelines that allow for prosecutors to show discretion and decline to prosecute a case if the subject has already paid a penalty—like disbarment or even suspension from the practice of law. The Whitewater report that Mr. Ray is expected to file with a special three-judge panel at the same time he issues his statement of findings and conclusions will probably be his last investigative report. He has already filed two reports with the panel, one in March on allegations that the White House, and particularly Mrs. Clinton, collected hundreds of confidential F.B.I. files, many of them of prominent Republicans, as part of a political intelligence-gathering scheme. Mr. Ray concluded that the improper acquisition was a bureaucratic foul-up involving midlevel White House officials and that Mrs. Clinton had no involvement, as she had asserted.

But in his second statement of findings and conclusions, issued in June, about whether Mrs. Clinton played a role in the firing of seven longtime White House travel office employees, Mr. Ray was far more critical of her sworn statements. He made a point of saying that despite Mrs. Clinton's strong denials, he concluded that she had played a substantial role in causing the employees to be dismissed. The Whitewater report may well follow that model as it is expected to explore what Mrs. Clinton did as a lawyer for various Arkansas clients, and contentions that she tried to conceal or minimize her role.

For example, one issue is a 1985 telephone call Mrs. Clinton made on behalf of a client, Madison Guaranty and Trust, to a senior Arkansas official who worked for her husband, then the governor. She telephoned Beverly Bassett, the state securities commissioner in Mr. Clinton's administration, to discuss a proposal for Madison to float preferred stock. Mrs. Clinton told investigators that she did not remember whom she spoke with at the agency. She also said she had only been trying to find out the appropriate official for an associate at her firm, Richard Massey, to contact and that she had not discussed the issue.

But the regulator recalled the conversation in detail when she testified before the Senate Whitewater committee. She said that Mrs. Clinton had spoken with her and discussed the substance of the proposal. And Mr. Massey testified he had already known whom to contact.

ENERGY AND WATER APPROPRIATIONS

NATIONAL IGNITION FACILITY

Mr. KYL. Mr. President, the National Ignition Facility (NIF) is a major part of the Stockpile Stewardship Program, which is a set of programs and facilities that are designed to allow the United States to maintain the safety and reliability of our nation's vital nuclear deterrent.

It is hoped that at some point in 10 to 20 years that the stockpile Stewardship Program can be a replacement for actual nuclear testing. The jury is still out on whether it can in fact eventually accomplish this goal. I support the Stockpile Stewardship Program because it will improve our knowledge about our nuclear weapons. The fact is that, despite our technical expertise, there is much we still do not understand about our own nuclear weapons. As C. Paul Robinson, Director of the Sandia National Laboratory has said, ''Some aspects of nuclear explosive design are still not understood at the level of physical principles.''

America's nuclear weapons are the most sophisticated in the world. Each one typically has thousands of parts, and over time the nuclear materials and high explosive triggers in our weapons deteriorate and we lack experience predicting the effects of these changes. Some of the materials used in our weapons, like plutonium, enriched uranium, and tritium, are radioactive materials that decay, and as they decay they also change the properties of other materials within the weapon. We lack experience predicting the effects of such aging on the safety and reliability of our weapons. We did not design our weapons to last forever. The shelf life of our weapons was expected to be about 20 years. In the past, we did not encounter problems with aging weapons, because we were fielding new designs and older designs were retired.

As the Department of Energy said in its review of the Stockpile Stewardship Program completed on November 23, 1999, ''The NIF is one of the most vital facilities in the stockpile stewardship program.'' This facility at the Lawrence Livermore National Laboratory in California is roughly the same size as a stadium, and is designed to produce the intense pressures and temperatures needed to simulate in a laboratory the thermonuclear conditions achieved in nuclear explosions. The NIF will accomplish this goal by focusing 192 laser beams on a ''dime-sized'' piece of plutonium. When completed, the NIF will be the world's most powerful laser facility, about 60 times more powerful than the next largest DOE laser facility, the NOVA laser.

As a review conducted in 1994 by the so-called, JASON panel, a Defense Department panel of nuclear experts said ''The NIF is without question the most scientifically valuable of the programs proposed for the Science Based Stockpile Stewardship program, particularly in regard to research and 'proof-of-principle' for ignition, but also more generally for fundamental science. As such, it will promote the goal of sustaining a high-quality group of scientists with expertise related to the nuclear weapons program.''

There is a consensus among the three national laboratories and at the National Nuclear Security Administration that additional funding above the level in the current version of the Energy and Water Appropriations bill for the NIF program needs to be increased. In a joint statement dated September 6, 2000, Dr. Bruce Tarter, the Director of the Lawrence Livermore National Laboratory, Dr. John Browne, the Director of the Los Alamos National Laboratory, Dr. Paul Robinson, the Director of Sandia National Laboratory, and Madelyn Creedon, the Deputy Administrator for Defense Programs at the National Nuclear Security Administration stated.

> NIF supports the SSP, and is a vital element of the SSP in three important ways: (1) the experimental study of issues of aging or refurbishment; (2) weapons science and code development; and (3) attracting and training the exceptional scientific and technical talent required to sustain the SSP over the long term. NIF is an integral part of the SSP providing unique experimental capabilities that complement other SSP facilities including hydrotests, pulsed power, and advanced radiography. NIF addresses aspects of the relevant science of materials that cannot be reached in other facilities.
>
> We concur that the NIF offers a unique, critical capability within a ''balanced'' SSP. As with other elements of the SSP, its long-term role must be integrated within the overall requirements of the Program. Options should not be foreclosed or limited but should be maintained to allow for its further development. At this critical juncture, we agree that in order to maintain the NIF within a balanced program, an additional $95 million [above the President's original budget request] is necessary in FY 2001 for the NIF Project.

The NIF program has recently experienced delays and cost overruns. But new management for the program is in place. The facility has undergone and passed intensive scientific and programmatic reviews that were recently conducted. And the management problems and lack of oversight that led to the earlier delays and cost overruns are understood and should therefore be preventable.

We are well along toward completion of the NIF facility. Construction of the facility to house the laser beams, a $260 million project itself, is about 90% complete. 80% of the large components for the infrastructure for the laser beams has been procured and is either on site or on the way. The NIF program at Lawrence Livermore Lab has 800 scientists and technicians on the project. Delaying the program, which would result in a standing army of technicians, or canceling it, which would prevent the achievement of the goals of the Stockpile Stewardship Program simply makes no sense.

There is bipartisan support for this program and the Administration supports the program. Undersecretary of State John Holum said in a letter on June 12, 2000 that, ''I strongly support this essential national security program. We must avoid the complacency of not doing enough in stewardship. We need to make a long-term commitment to use our scientific prowess to maintain a safe and reliable stockpile of nuclear weapons. . . . The problems with NIF are not scientific. . . . I urge you to support the program.''

The NIF is essential to our Stockpile Stewardship Program, which itself is an essential to maintain our nuclear weapons.

DREDGING OF THE DELAWARE RIVER

Mr. TORRICELLI. Mr. President, I wish to enter into a colloquy with the distinguished Senators from our neighboring state of Delaware, Senators ROTH and BIDEN. Each of us has communicated with members of the Appropriations Committee on a matter of deep concern to us and our constituents that has been included in the FY 2001 Energy and Water Development Appropriations bill. The Army Corps of Engineers' Delaware River Deepening Project seeks to deepen over 100 miles of the Delaware River channel from the current authorized 40-foot depth to 45 feet. The project would dredge 33 million cubic yards of bottom sediments, placing some 23 million cubic yards in dredge disposal areas in New Jersey, and 10 million cubic yards along Delaware shores.

This project continues to be highly controversial in our states for a number of reasons. First, there remain significant environmental concerns regarding the material to be dredged and its ultimate disposal and impacts on the environment of the Delaware Bay. The Corps of engineers has been criticized for its method of evaluating toxic and polluted sediments—using an averaging method, which many believe can mask the potential impact of dredging toxic hot spots and more concentrated polluted material. Our citizens continue to have strong concerns about the impacts of dredging and disposal on water quality, on drinking water supplies, on important recovering shellfish areas, and on the environment in the vicinity of proposed disposal areas.

A number of members of the New Jersey and Delaware congressional delegations and state agencies have made requests to the Corps of engineers to address a number of these issues. Earlier this year, Representative Andrews and I made a request to the General Accounting Office to conduct a review of the cost-benefit and environmental analyses in light of many of the concerns that have been raised about this project. In addition, Representatives SAXTON and LOBIONDO also sent a similar request to the GAO regarding the economic and environmental issues regarding the Delaware Deepening project. The GAO responded that it could not conduct and complete the study as quickly as would be necessary for conclusions to assist in the consideration of the FY 2001 Energy and Water Development Appropriation.

I want to state here that I intend to continue to pursue these issues and over the course of the next several months to engage the General Accounting Office, the Army Inspector General, the Army Corps of engineers, and any other appropriate agencies to get answers to the questions that I believe are critical to my constituents. For the record, Mr. President, I would like to enter into the record copies of study requests made by members of the New Jersey delegation to the General Accounting regarding the Delaware River Main Channel Deepening project.

If I may address the distinguished senior Senator from Delaware, have you not also made known your concerns to the Committee on Appropriations and to the Army Corps of Engineers?

Mr. ROTH. I thank the gentleman from New Jersey and I would answer his question, indeed we have.

In May of this year, Senator BIDEN and I wrote to the Chairman of the energy and Water Development Appropriations Subcommittee, the distinguished Senator from New Mexico, indicating that the response of the Corps of Engineers to the list of concerns raised by the State of Delaware's Department of Natural Resources and Environmental Control regarding necessary permitting, environmental studies, and environmental protection has been entirely inadequate. In our letter, we indicated that this project must not proceed until environmental information and permitting concerns raised by Delaware's Department of Natural Resources and Environmental Control are satisfactorily addressed by the Army Corps of Engineers.

As a strong supporter of the Coastal Zone Management Plan, I am concerned about the potential environmental impacts of the proposed channel deepening. I strongly urge the Corps to continue negotiating in good faith with the State of Delaware to resolve outstanding informational and permitting issues through a legally enforceable agreement that will safeguard Delaware's natural resources. If an agreement cannot be reached through good faith negotiations, then the State of Delaware should pursue this matter in court.

Mr. TORRICELLI. I thank the Senator for that clarification. Does that also describe the concerns and sentiments of the Senator from Delaware, Senator BIDEN?

Mr. BIDEN. I thank the Senator from New Jersey and the senior Senator from Delaware for their remarks, and wish to indicate my concurrence with the points that they have made. I have had questions about this project, the planning process, its economic justification, and the potential for environmental harm for a number of years. I further understand that the State of Delaware's capital bond bill committee in July indicated in writing its intention to withhold all state money for the Deepening project until the State's Department of Natural Resources and Environmental Control is satisfied and necessary permits obtained.

I believe we need to continue to pursue a resolution to these environmental issues and that the Corps should not move forward to construction unless and until appropriate permits have been issued, and the Congress has before it the information needed to determine that the project is safe and truly justified.

I ask unanimous consent to print in the RECORD, several letters from the Delaware DNREC which discuss the State's concerns.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, May 2, 2000.

Mr. DAVID WALKER,
Controller General, General Accounting Office, Washington, DC.

DEAR MR. WALKER: We are writing to request that a cost-benefit and environmental analysis be conducted as soon as possible on plans by the Army Corps of Engineers (ACOE) to bring the depth of the Delaware River to 45 feet. This channel deepening project was authorized as part of the Water Resource Development Acts of 1992 (section 101(6)) and 1999 (section 308).

The Plan is estimated to cost $311 million, two-thirds of which would be provided by the federal government. Proponents of the Plan argue that the channel needs to be deepened to accommodate the next generation of cargo ships and that cost saving benefits will be realized by area oil refineries. However, many of our constituents have called into question these benefits and the necessity of channel deepening in keeping the port competitive. Therefore, we are eager to identify the benefits of this project to the nation, and whether these justify the taxpayer cost.

In addition to this central and legally mandated issue of national benefit, we would like to request an analysis of three additional issues by the General Accounting Office (GAO).

First, there is a question as to whether the project sponsors have complied with all of the provisions of the National Environmental Policy Act (NEPA). The Environmental Impact Statement associated with this project appears to be deficient in five ways: (a) there was no assessment of the ecological issues pertaining to the disposal sites for dredged materials because the sites were not identified when the EIS was done: (b) there was no assessment of the impact of any dredging of the private berths of the oil refinery (if any takes place) which is functionally a part of this project; (c) the habitat assessment part of the EIS may not adequately assess the impact of the project on essential fish and oyster habitats; (d) ''used mean values'' (averages) were improperly used to assess the level of toxins in River sediment and in so doing masked the existence of toxic ''hot spots''; and (e) threats to drinking water supplies and water quality have yet to be adequately analyzed and addressed.

Second, the Delaware dredging project reportedly will produce 33 million cubic yards of dredged materials. Ten million yards are scheduled to be used for beach restoration in the State of Delaware. The remaining 23 million cubic yards will simply be dumped on the New Jersey side of the river.

With little effort, the planners of this project were able to find a beneficial use for 10 million cubic yards of this material. We are concerned that insufficient efforts has been made to find more beneficial uses for the remaining 23 million cubic yards and that New Jersey has been asked to bear too great a burden in its disposal. Thus, we request that the GAO look at both the environmental and economic impacts of placing 23 million cubic yards of dredged materials on the riverfront of these New Jersey communities.

Third, we also ask the GAO to investigate why almost no commitments have yet been received from the businesses who stand to benefit from this dredging. The argument has been made that this project is necessary to keep shipping commerce on the Delaware River. Yet few of these businesses have made commitments to dredge their ports on the Delaware River to match the depth of the main channel. If these businesses truly need this project, we are curious as to why they are not also working to make room for the larger ships this project is meant to accommodate.

As you can see, there are still many questions to be answered regarding this project. Time is of the essence. Congress will consider as part of its FY 2001 Appropriations cycle future funding for this project. It is imperative that this project receive objective scrutiny by the GAO immediately. We offer our assistance in any way possible to facilitate a cost-benefit analysis and evaluation of environmental impacts in a timely manner. Thank you in advance for your efforts and we look forward to your report.

Sincerely,

ROBERT G. TORRICELLI,
United States Senator.
ROBERT E. ANDREWS,
Member of Congress.

U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 2,
New York, NY, June 30, 1999.

Mr. ROBERT CALLEGERI,
Director, Planning Division, U.S. Army Corps of Engineers/Philadelphia District, Wanamaker Building, Philadelphia PA.

DEAR MR. CALLEGERI: I am writing in reference to the proposed Delaware River Main Channel Deepening Project. In particular, we have recently become aware of potential issues associated with the project through letters from the Delaware River keeper, and discussions stemming from the April 16, 1999 forum facilitated by the Delaware River Basin Commission, as well as the June 11, 1999 meeting convened by Congressman Castle's office.

We have carefully considered these issues. For the most part, we do not believe that they necessitate revising the conclusions reached in the previous environmental impact statement (EIS) process for the project. However, we believe that the following two issues require further consideration and effort prior to the project proceeding: the project's benefit/cost (B/C) ratio and environmental issues raised which may not have been fully evaluated or resolved during the prior planning process.

With regard to the project's B/C ratio, the original project scope included six petroleum facilities as project beneficiaries. Consequently, the benefits to these facilities were included in the project's B/C ratio. However, we have seen no documentation that any of these facilities plan to dredge their private channels. To the contrary, the limited documentation we have indicates that one or more of the petroleum companies believe that it is not in their best economic interest to participate. Accordingly, we would like to see additional documentation showing any commitments made by the companies involved and more explanation of how their participation (or lack thereof) affects the B/C ratio calculations. Moreover, if these

facilities are not committed to participate, we would argue that the scope of the project would be modified, which would require the Corps' to recalculate the B/C ratio.

In addition to the economic questions, numerous environmental concerns about the project continue to be raised. While we believe that many of these concerns have been adequately addressed through the prior EIS process, there may be a need for additional environmental analyses for certain issues not fully covered in the prior EIS documentation. For example, impacts related to the dredging of the private facilities discussed above and several port facilities owned or operated by the local sponsors, and potential impacts associated with the development of new sites for dredged material disposal were not fully evaluated in the original EIS. Accordingly, these activities will have to be evaluated under NEPA.

Our final concern about the project relates to the potential impacts associated with the dredging and disposal operations. EPA, however, believes that these impacts can, and should, be addressed through the development of specific monitoring/management plans for the various dredging and disposal phases of the project. The plans should be developed to address specific goals and objectives designed to detect and prevent adverse impacts from the proposed dredging and disposal operations. At a minimum, monitoring for turbidity changes using in situ recording devices during dredging and disposal operations, bathymetry and sediment profiling imagery at the aquatic disposal locations, and ground water monitoring should be included. Additionally, the monitoring/management plans should provide for appropriate contingency actions in the event that unforeseen circumstances (e.g., high levels of contaminants) are encountered during the dredging and disposal operations. We are available to assist as necessary in the development of monitoring/management plans. At the very least, we request the opportunity to review such plans as they are being developed. Furthermore, the monitoring/management plans must be in place prior to the start of any dredging activity.

We look forward to working with you as this project progresses. Should you have any questions concerning this letter, please contact Mark Westrate of my staff at (212) 637–3789.

Sincerely yours,

ROBERT W. HARGROVE,
Chief, Strategic Planning and Multi-Media Programs Branch.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 2000.

Mr. DAVID WALKER,
Comptroller General of the United States, General Accounting Office, Washington, DC.

DEAR MR. WALKER: On May 2, 2000, Representative Robert Andrews and Senator Robert Torricelli wrote to you requesting the General Accounting Office (GAO) review the cost-benefit and environmental analysis of the U.S. Army Corps of Engineer's (USACE) project to dredge the Delaware River to 45 feet. In addition, they asked you to evaluate whether the Corps of Engineers has complied with all provisions of the National Environmental Policy Act, the environmental and economic impacts of placing 23 million cubic yards of dredged materials on the New Jersey riverfront, and why almost no commitments to deepen their side channels have been received from the oil refineries who are identified as receiving 80% of the projects benefits. We support the request by Representative Andrews and Senator Torricelli, and ask that you address several other critical issues dealing with the accuracy of the USACE's study of this project.

Throughout this project, oil facilities located along the Delaware have been identified as the major beneficiaries. However, five of the six facilities have made no commitment to invest the funds necessary to deepen their side-channels and have indicated they are unlikely to do so. Therefore, we request the GAO to recalculate the cost-benefit ratio of this project if the oil facilities do not deepen their side-channels.

The USACE has identified other potential beneficiaries of the deepening project to include the Port of Philadelphia and Camden. We ask that the GAO utilize its expertise in port infrastructure and competitiveness and conduct a study focusing on shipping trends in the North Atlantic Region. In particular, we request the GAO to evaluate the viability of the Port of Philadelphia and Camden becoming a major regional hub port for deep draft container ships if the Delaware River were deepened from 40 to 45 feet. There is no guarantee that the new generation of container ships will ever call at the Port of Philadelphia and Camden at a depth of 45 feet.

In addition, studies prepared by the USACE Waterways Experiment Station (WES) to determine the potential for saltwater flow into the C&D Canal and the Delaware River may have reached inappropriate conclusions to minimize potential environmental impacts of the project. The studies have since been sent back to the WES for reanalysis. We ask that the GAO investigate discrepancies between the studies and determine how they came about. We would also like the GAO to examine all current Corps studies on the Delaware River Deepening Project to determine if similar discrepancies exist.

This information will be critical in helping Congress determine whether the project's national economic benefits are sufficient enough to invest over $200 million. Since Congress will consider future funding for this project in the FY2001 appropriations cycle, it is essential this project receive objective scrutiny by the GAO immediately. We offer our assistance in any way possible to facilitate a cost-benefit analysis, evaluate of environmental impacts, and a review of the accuracy of the USACE studies of this project in a timely manner. Thank you for your efforts and we look forward to your report.

Sincerely,

JIM SAXTON,
Member of Congress,
FRANK A. LOBIONDO,
Member of Congress.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL,
Dover, DE, March 31, 2000.

LTC DEBRA M. LEWIS,
U.S. Army Corps of Engineers, Wanamaker Building, Philadelphia, PA.

DEAR LIEUTENANT COLONEL LEWIS: I am writing to follow up on our numerous conversations and correspondence regarding the proposed deepening of the Delaware River Main Channel. I appreciate your willingness to address these issues and to work constructively with the State of Delaware to ensure that this project will not go forward unless it complies with our environmental laws and that any environmental impacts from this project will be minimal.

This letter summarizes the remaining environmental issues that the Department of Natural Resources and Environmental Control (DNREC) believes need resolution. In particular, it is essential that the Corps demonstrate conclusively that the project will comply with State of Delaware Surface Water Quality Standards, the Wetlands Act, and the requirements of the Subaqueous Lands Act. We also are beginning to formulate the requirements for testing and monitoring that would apply before, during, and after completion of the project should it move forward.

As you are aware, the National Oceanic and Atmospheric Administration regulations (15 CFR 930) require that this project be consistent with the Delaware Coastal Management Program (DCMP) policies. That program issued a conditional Federal Consistency determination to the Corps on 1 May 1997. The extensive scope of this project necessitated that DCMP review the project in phases. Now that the final design and specification phase is underway, it is an appropriate time to address remaining issues regarding the project. The conditional approvals did not obviate the need to meet the substantive requirements of other state permits.

The outstanding issues include construction of material placement facilities, placement of sandy dredged material on beaches, the wetland creation project at Kelly Island, various monitoring and reporting requirements, fisheries concerns, and future maintenance burdens for the project.

I. CONSTRUCTION OF CONFINED DISPOSAL FACILITIES

Prior to any construction, it will be necessary to identify and describe in detail the functions of all confined disposal facilities (CDFs) to be used for the project—whether located within the land area of the State of Delaware or discharging into Delaware waters. It is our understanding that the only Delaware-land sites slated for use are Reedy Point North and South, both currently in existence. This list identifying the disposal sites must include a description of the current status of each site, expected future capacity, amount of material to be deposited during the initial dredging cycle, and ability to accept material for future maintenance cycles. Additionally, there must be reasonable assurance that the site is designed and operated in a manner which can ensure compliance with Delaware State Water Quality Standards. The rationale and justification supporting this assurance must be provided in detail.

In addition, an Erosion and Sediment Control plan is required from the Division of Soil & Water for any landward disturbance of 5000 square feet or more. Several of the principles regarding erosion and sediment control are included for general reference:

An approved erosion and sediment control plan must be followed. Any modifications to the plan must be approved as revisions to the approved plan.

Any site or portion thereof on which a land-disturbing activity is completed or stopped for a period of fourteen days must be stabilized either permanently or temporarily following the specifications and standards in the Erosion and Sediment Control Handbook.

Unless an exception is approved, not more than 20 acres may be cleared at any one time in order to minimize areas of exposed ground cover and reduce erosion rates.

A land-disturbing activity shall not cause increased sedimentation or accelerated erosion off-site. Off-site means neighboring properties, drainageways, public facilities, public rights-of-ways or streets, and water courses including streams, lakes, wetlands, etc.

More specific criteria for vegetation and berm stabilization can be found in the Delaware Erosion and Sediment Control Handbook for Development.

The Corps must also comply with any additional requirements of the State NPDES program. A permit regulating the discharge of effluent from the CDFs is likely. Additional

NPDES Storm Water Regulations apply, since a NPDES certification is required for land disturbing activities. The ''Regulations Governing Storm Water Discharges Associated with Industrial Activity, Part 2—Special Conditions for Storm Water Associated with Land Disturbing Activities'' (1998) states that ''Land disturbing activities shall not commence and coverage under this Part shall not apply until the Sediment and Stormwater Management Plan for a site has been approved, stamped, signed and dated . . .''.

2. PLACEMENT OF SANDY DREDGED MATERIAL ON BEACHES

To date, DNREC has not received official word of which beaches have been chosen to receive sand from the southern portion of the project. This information should be made available as soon as it is determined so that we can evaluate the permits and requirements needed. Please be advised that DNREC expects that consideration be given to a number of shoreline locations previously unnourished. A Section 401 Water Quality Certification and State Subaqueous Lands permit will be necessary for beach nourishment activities. Our intent is to ensure that state Water Quality Standards are met. DNREC also wants to ensure that beach replenishment activities will not take place during critical horseshoe crab spawning periods (April 15-June 30). Also, sand placement activities should not use barriers (i.e. silt fences, bulkheads, rocks, etc.) that would interfere with spawning.

3. WETLAND CREATION/ENHANCEMENT PROJECT AT KELLY ISLAND

DNREC anticipates coordinating with the Corps on the final design and monitoring plan for Kelly Island at a meeting on 5 April 2000. However, the following describes general principles which would be applicable regardless of the specific design criteria.

An Erosion and Sediment Control plan is required from the Division of Soil & Water Conservation. The general requirements are listed above under item 1.

The Corps must also comply with any additional requirements of the State NPDES program. This includes the NPDES Storm Water Regulations as well as the State Sediment and Stormwater Regulations, since a NPDES certification is required for land disturbing activities.

Because the beneficial use project at Kelly Island will take place in an existing wetland area, a Wetlands Permit will be required from the Division of Water Resources. In addition, a Subaqueous Lands Lease will also be necessary. There are several standard conditions for mitigation projects which should apply to the wetland creation/enhancement taking place at that site. For example, standard mitigation projects must demonstrate 85% survival of the planted vegetation after the second growing season. If 85% is not achieved then a report outlining corrective action must be submitted. Other parameters for stabilization and flow should be developed by Corps engineers and submitted to DNREC for final review and approval.

The Corps must also commit to maintaining the integrity of the created site at Kelly Island and to do what is necessary to evaluate and ensure the function of the new/enhanced wetland area. In addition, the beach constructed at the perimeter must be able to withstand a significant storm event. The project should be examined and monitored annually in order to ensure berm stability, vegetation viability, flushing, and general ''success'' of revitalizing the wetland habitat at that site. A monitoring report to this effect will be required annually.

The DNREC, Division of Fish and Wildlife, has concerns about increased silt load and sedimentation of adjacent oyster habitat during construction of the perimeter sand sill at Kelly Island and while the confined disposal area is being filled. Seed beds of concern include ''Drum Bed,'' ''Silver Bed,'' and ''Pleasanton's Rock,'' as these are the closest seed beds to Kelly Island. Should an impact be noted on these beds, it would indicate a need to monitor ''Ridge Bed'' which is farther from the project area but has historically been very productive.

Monitoring of oyster population conditions and habitat quality should begin prior to construction and continue throughout. Checking for changes in sedimentation patterns should be extensive and focused at broad areas of each bed rather than be limited to discrete sections. In addition, it may be necessary to monitor oyster habitat on leased grounds south of the Mahon River mouth as they may be impacted by sediments moved south by ebb tide currents.

4. MONITORING AND REPORTING

Monitoring at confined disposal facilities

Monitoring of confined disposal facilities (CDFs) must be performed to determine whether return flows from the CDFs cause or contribute to violations of Delaware Surface Water Quality Standards. This is an issue of concern for the Department because CDFs often discharge return flows into ecologically sensitive, shallow water habitats which have limited dilution and dispersion capacity. To evaluate whether return flows are causing or contributing to violations of the Standards, the Corps will need to collect data on flow rate, duration, concentration, and toxicity of CDF discharges and then determine the resulting concentration and toxicity in the receiving water through a combination of fate and transport modeling and in-stream sampling. Both near-field (i.e., mixing zone) and far-field (i.e., complete mix) concentrations and toxicity resulting from the discharges must be determined and compared to applicable Standards.

Sampling and analysis for the CDF should follow the general approach taken by the Corps in evaluating the Pedricktown CDF (i.e., ''Pedricktown Confined Disposal Facility Contaminant Loading and Water Quality Analysis,'' June 1999). The Corps will need to submit a sampling plan/scope of work to the Department for review and approval prior to proceeding with this work and prior to discharging from the CDFs. Close out reports detailing the findings of the sampling and analysis will also need to be submitted to the Department for review and approval. If violations of applicable Standards are identified, then the close out report should identify the steps the Corps intends to take in order to eliminate future violations. Based upon the findings of the initial studies, the Department will determine the nature and extent of subsequent testing that will need to be performed at the CDFs in order to assess compliance with Delaware Surface Water Quality Standards.

In addition to the testing described above, the Corps will also need to collect contaminant data for surface sediments in the CDFs and assess potential impacts to terrestrial and avian species that may use the disposal areas. A plan to accomplish this work should be submitted to the Department for review and approval, as should a close out report. If unacceptable risks are identified as a result of this assessment, then the Corps will need to develop a plan to limit access to the site.

Finally, the Corps will need to submit an annual letter to the Department which summarizes the operational history and structural integrity of any CDF used over the previous year. The letter should address the following factors:

Condition of containment berms, dewatering and stormwater weirs, and other structures.

Summary of disposal operations at the CDF over the past year, including volumes of material placed into the CDF, as well as volumes, mass loading, duration, and timing of return flows.

Summary of maintenance and management activities conducted at the CDF.

Summary of any material removed from the site.

Analysis of available remaining disposal capacity at the site.

Summary of surface and groundwater monitoring programs not otherwise covered in the study identified above.

Monitoring during dredging operation

It will be necessary to monitor during dredging operations in order to ensure that the predictions of ''no significant impacts'' are fulfilled. Therefore, the Corps should submit a sampling plan to the Department for review and approval.

Measuring the exact position of the dredge at all times is essential to ensuring that the channel and bends are deepened based upon the footprint of the original project. Sampling in the water column surrounding the excavation will require, at a minimum, collection of data on total suspended solids concentrations, dissolved oxygen, ammonia, and any contaminants of concern identified in the pre-dredge evaluation. Suspended solids must be maintained between 25 and 250 mg/l at the edge of a two-hundred foot regulatory mixing zone in order to meet water quality standards, according to the report Metal Contamination of Sediments in the Delaware River Navigation Channel (Greene, 1999). The results from all sampling data must be compared to applicable Delaware Surface Water Quality Standards, and any exceedances must be reported immediately.

The Corps must also work with DNREC to develop a protocol that will come into effect if water quality violations are identified. This would include events where total suspended solids are higher than those determined to be sustainable around the point of excavation.

Additionally, the Corps must follow established protocol if turtles, sturgeon, or other species of concern are identified in the dredge slurry or if there is indication that these species are excessively impacted.

Standard best management practices should be used to the extent practicable during the dredging operation in order to minimize sediment suspension, impacts to aquatic organisms, and water quality exceedances.

If the Corps intends to use the practice of economic loading during the Main Channel Deepening project, this must be discussed with the DNREC. Permission must be granted for economic loading and will be limited by geographical location and material characteristics. Additional monitoring will also be required.

Bi-Annual Reporting

In addition to the annual reporting information stated above, I request that the Secretary of DNREC receive a bi-annual report detailing the progress of the Main Channel Deepening project, including the locations dredged in the previous twelve months, the status and capacity of CDFs, and any unforeseen consequences and their remedies. I would expect members of my staff to be in regular contact with their peers at the Corps in order to ensure that the project satisfies the requirements of the State of Delaware's laws, regulations, and standards.

5. FISHERIES AND LIVING RESOURCE CONCERNS

Aquatic species of concern include sea turtles, several species of whales, and shortnose and Atlantic sturgeon, along with several others. The Corps must follow the recommended dredging windows as established

by the Delaware River Basin Fish and Wildlife Cooperative and as reported in the 1997 Supplemental Environmental Impact Statement.

In addition, the following concerns from the Division of Fish and Wildlife must be addressed:

Striped bass spawning is a concern from the Delaware Memorial Bridge to Philadelphia April 15 to June 15. The Delaware Basin Fish and Wildlife Cooperative May 1997 policy entitled ''Seasonal restrictions for dredging, blasting and overboard disposal in the mainstream of the Delaware River'' should be followed in order to protect anadromous spawners such as striped bass.

Atlantic sturgeon spawning sites are located over rocky bottom in the deepest portion of the river. Spawning season is April 15 to June 15. Because the eggs adhere to the hard surfaces, rock should not be blasted or removed from the river through the end of June to protect sturgeon eggs and larvae.

Atlantic sturgeon wintering areas are located from Artificial Island to Chester, Pennsylvania.

An observer should be placed on hopper dredges to monitor for sturgeon impacts on overwintering fish in the wintering areas.

The Corps will need an ''incidental take statement'' from NMFS as required under the Endangered Species Act for sea turtles and shortnose sturgeon. The Corps should ensure that their agreement with NMFS reflects the most up-to-date requirements. A copy of this statement should be provided to the Division of Fish and Wildlife.

In addition, a turtle observer should be on board the dredge during the period of the year when sea turtles are known to be present in our area. The report from this observer, as well as any identified turtle parts, should be forwarded to the Division of Fish and Wildlife as well.

6. FUTURE MAINTENANCE

If the Main Channel is deepened, there will be increased volumes of material removed during each maintenance cycle in order to achieve the project depth. This material will place additional burden on existing disposal areas, causing them to fill at a more rapid rate than with the forty-foot project depth. As a result, new disposal facilities must be sited or beneficial uses must be developed for the material currently contained in the facilities. The Corps must be prepared to address dredged material placement needs in the context of future maintenance related to the proposed deepening.

We look forward to continuing our dialogue and working to resolve the above issues before any plans for actual construction take place. As the Department of Natural Resources and Environmental Control, it is our mission to ensure that projects are designed to avoid or minimize adverse impacts on air and water quality, habitat, and living resources. The above requests and requirements are in keeping with this charge as it applies to the proposed deepening of the Delaware River Main Channel.

Sincerely,

NICHOLAS A. DIPASQUALE,
Secretary.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL,
Dover, DE, July 14, 2000.

LTC DEBRA M. LEWIS,
U.S. Army Corps of Engineers, Wanamaker Building, Philadelphia, PA.

Re: Delaware River Main Channel Deepening Project

DEAR LIEUTENANT COLONEL LEWIS: The Department of Natural Resources and Environmental Control (DNREC) has reviewed your letter of June 9, 2000 and the updated matrix entitled ''Assessment of Environmental Issues'' that you provided in response to my March 31, 2000 letter regarding the deepening of the Delaware River Main Channel. This letter also addresses issues raised in your most recent correspondence to me of July 9, 2000. Let me begin by thanking you and your staff for meeting with me and members of my staff, discussing our concerns and providing the organized response. Overall, we appear to be in agreement on the means to resolve many issues. Clarifications of DNREC requirements for specific issues are outlined below. We still have several remaining concerns.

The following are comments from the Department regarding the matrix ''Assessment of Environmental Issues.'' Comments are organized by section.

1.0 CONFINED DISPOSAL FACILITIES

1.1 & 1.2 The Corps will need to follow the requirements for Delaware permit processing, regardless of the eventual enforcement mechanism. DNREC uses EPA Application Form 1—General Information; EPA Application Form 2D—New Sources and New Discharges and EPA Application Form 2E—Facilities Which Do Not Discharge Process Wastewater to collect information to control discharges such as those from CDFs. These forms must be filled out and submitted to the Division of Water Resources for all discharges that could impact Delaware waters. Copies are attached.

1.3 Procedures for effluent monitoring must be submitted to DNREC for review and comment. This should be sent along with the information required for permit processing (above). State of Delaware water quality standards attached.

1.4 It appears that DNREC's concern for contaminants might be deferred until post project. DNREC's original comment reflected two concerns: potential contaminant discharge during de-watering and potential longer term impacts after de-watering. These concerns need by addressed by the Corps before the project commences.

2.0 SAND PLACEMENT ON DELAWARE BEACHES

2.1 See Attachment A for a list of Delaware's preferred locations for sand placement.

The FEIS does not address the impacts of placing material on Delaware beaches. The EIS will not be complete until it is amended to address this issue.

2.2 It is unclear from your response whether you intend to apply for Subaqueous Lands permits. Does your acknowledgement of 401 Water Quality Certification requirements include agreement on Subaqueous Lands permits? A Subaqueous Lands permit or its enforceable equivalent is needed.

2.3 DNREC is satisfied with the agreement regarding horseshoe crab protection measures.

3.0 WETLAND CREATION/ENHANCEMENT

3.1 If tidal wetlands are to be impacted during the construction of Kelly Island, the substantive requirements of a State of Delaware wetlands permit must be obtained before any work can commence.

If the de-watering of Kelly Island necessitates a discharge into surface waters, the Crops will be required to complete the same application forms required for CDFs.

3.2 DNREC will continue working with the Corps until a final wetland design plan can be approved. Work cannot commence until this plan is finalized. Regardless of what the Kelly Island project is referred to, we are targeting the survival rates outlined in the March 31, 2000 letter as measures of success.

3.3 A post-construction monitoring plan to ensure protection of water quality standards must be developed by the Corps and submitted to DNREC for review and approval before the project can commence. In addition, the Corps must clarify how long it intends to maintain the beach constructed in front of the wetland area.

3.4 A Subaqueous Lands permit or its enforceable equivalent is required.

4.0 OYSTER HABITAT MONITORING

DNREC is awaiting the final oyster-monitoring plan from the Corps for review and comment. The monitoring plan should include widespread measures of sediment coverage.

5.0 WATER QUALITY MONITORING

DNREC requires that a sampling plan at the point of dredging be submitted for review and comment. This plan is to include steps to be taken if TSS exceeds 250 mg/l.

Corps regulations require that an EIS address water quality impacts in states adjoining areas where side channels and berthing areas are to be dredged. The Corps is to assist the states where this dredging is to occur in obtaining Section 401 Water Quality Certification from the State where there could be adverse impacts on water quality. The Corps has not done this for the dredging that will occur at Marcus Hook.

6.0 ENDANGERED SPECIES

6.1 DNREC requires the submission of protocols for monitoring potential impacts to sea turtles and short-nose sturgeon for review and comment before the project commences.

6.2 DNREC is satisfied with agreements regarding protections of sea turtles.

7.0 DREDGING

7.1 DNREC is satisfied regarding adherence to dredging windows.

7.2 DNREC is satisfied regarding adherence to dredging windows for striped bass.

7.3 DNREC is satisfied regarding adherence to dredging windows for Atlantic sturgeon.

7.4 DNREC is satisfied regarding adherence to dredging windows for Atlantic sturgeon.

7.5 DNREC is satisfied regarding Atlantic sturgeon overwintering monitoring for hopper dredge activities.

7.6 The extent of economic loading needs to be finalized and approved by DNREC before the project can commence.

* Please note final comments regarding female overwintering blue crabs.

8.0 REPORTING

8.1. An outline for the CDF Annual Operational Report must be submitted to DNREC for review and comment before the project may commence.

A description of current CDF site conditions must also be submitted.

8.2 DNREC is satisfied with agreements for bi-annual progress reporting.

8.3 DNREC is satisfied with agreements for CDF capacity for maintenance.

Please share with us as soon as possible the Corps' proposed dredging schedule and dredging techniques. Over the past years, we have discussed many dredging closure windows and investigated the impacts of economic loading. If the Corps plans to dredge the lower Delaware Bay during the winter, we need to know what measures will be put in place to avoid and reduce impacts to overwintering female blue crabs. During cold winters female blue crabs hibernate in the channel, particularly on the channel sides. They may be torpid and unable to move away from the dredge as stated in the Supplemental EIS. This, combined with the possibility of economic loading depositing a burdensome amount of sediment on top of them, should be accounted for and avoided. This most important fishery must be protected.

Also, we have gotten conflicting information regarding the final quality of rock available after blasting. As you may be aware, our conditional consistency determination required the Corps to make this rock available to Delaware for habitat improvement. This rock is a resource that belongs to Delaware. Placement of rock in Delaware's eleven permitted reef sites could serve as partial mitigation for unavoidable fisheries impacts sustained during the dredging process.

Additionally, a preliminary DNREC review of berthing area sediment toxicity data has shown contamination levels of concern. We are just now bringing this issue up because of the length of time it took the Corps to provide the requested data and the time it took our staff to convert the raw data to an electronic format to facilitate analysis. I trust you have shared this information with the state environmental agencies of Pennsylvania and New Jersey. It is our understanding that Corps regulations and Section 401 of the Clean Water Act require that an EIS address water quality impacts in states adjoining areas where side channel berthing areas are to be dredged and that the Corps is to assist states to obtain Section 401 Water Quality Certification from the affected state. DNREC requests that you document potential effects to waters of the State of Delaware from dredging activities in side channel/berthing areas in adjoining states.

Finally, as previously discussed on numerous occasions and as we have maintained over the past decade, the State of Delaware continues to assert that the Corps is subject to state permitting requirements for this project. We have provided your legal and technical staff with appropriate statutory and regulatory requirements and permit application forms. Before we will entertain any further discussion about alternative mechanisms for satisfying these remaining environmental and regulatory requirements, the U.S. Army Corps of Engineers must provide to the Delaware Department of Natural Resources and Environmental Control a written legal justification that articulates why the Corps should be exempt from applying for required State of Delaware permits.

Sincerely,

NICHOLAS A. DIPASQUALE,
Secretary.

SOLAR AND RENEWABLE ENERGY ACTIVITIES

Mr. DORGAN. Mr. President, I would like to commend the chairman and ranking minority member of the Energy and Water Development Appropriations Subcommittee for including $43.617 million for Solar and Renewable Energy activities, and to discuss briefly a renewable energy project in my home state of North Dakota.

One of the most abundant sources of energy in the Upper Great Plains region is wind. My State of North Dakota ranks first in wind power production potential, and the Department of Energy has said that North Dakota alone could capture enough wind energy to supply 36 percent of the power needs of the lower 48 States. Not only does wind offer a clean and inexpensive form of energy, it also could provide our rural residents with an important source of income. DOE estimates that a 1,000-acre farm could earn as much as $80,000 per year in wind royalties.

One wind energy initiative of particular interest to me is being conducted on the Turtle Mountain Chippewa Reservation by the Center for New Growth and Economic Development at the Turtle Mountain Community College. I had hoped that the Committee would have designated $1 million for this project, but the Subcommittee's current allocation was not at a level to accommodate funding for new start-up projects in the renewable energy accounts.

I recognize that it is difficult to speculate about what the final budget allocation for this bill might allow, but I would ask the chairman and the ranking minority member to consider designating $1 million for this project in conference should additional funds for the programs under the Subcommittee's jurisdiction become available.

Mr. REID. I recognize the importance of wind energy development not only for North Dakota but also for the other states that might benefit from North Dakota's ability to harness this great resource. This project discussed by the Senator from North Dakota is particularly unique since it is being conducted by Native Americans in an effort to reduce their dependence on fossil fuels and to become more financially self-sufficient. Although we do not know, as the Senator points out, what our final allocation may be, the Senator can be assured that I will do my best to see that this initiative is funded, should the Subcommittee's allocation allow additional projects.

Mr. DOMENICI. It is my understanding that the funds being requested by the Senator would be used for a wind turbine and for educational purposes such as teaching others on the reservation and in the region how to establish and maintain ''wind farms''.

Mr. DORGAN. Yes, the Senator's understanding is correct. The Center for New Growth and Economic Development will work with Turtle Mountain Community College to develop a curriculum on ''windsmithing'' so that others can learn the trade of wind energy. The Turtle Mountain Chippewa Reservation is located in the middle of a natural wind tunnel so this is a natural place to develop expertise relating to wind energy.

Mr. DOMENICI. I thank the Senator from North Dakota for this explanation, and agree that this Center has potential to provide an innovative approach to an old technology—the windmill.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL, FY 2001

Mr. DODD. Mr. President, I would like to engage in a colloquy with Senator REID, the ranking member of the Senate Energy and Water Appropriations Committee.

I want to raise an issue and briefly discuss an amendment that I filed regarding the University of Connecticut. The amendment requests that the Department of Energy release $7.9 million that was originally appropriate in 1993 for the construction of an Advanced Technologies Institute at the University of Connecticut. Because of initial problems with the siting of the facility, the University was granted no-cost extensions for the award. The problems have since been resolved and the University is ready to break ground. I believe that the University of Connecticut, like other institutions, may, without Congressional action, lose out on the receipt of money that was already set aside for them. It is my understanding that the Senate, in its wisdom, has resolved similar situations in recent months. I would ask the chairman and ranking member to continue to work with me to try and rectify the situation with the University of Connecticut.

Mr. REID. Mr. President, I appreciate what the Senator from Connecticut has said. I would like to work with him on this issue as we move to Conference on this bill. Several of our colleagues have had similar problems with other projects and I will continue to work with the Senator from Connecticut as we move to Conference.

GREAT LAKES SEDIMENT TRIBUTARY TRANSPORT MODELS

Mr. DEWINE. Mr. President, as co-chairs of the Senate Great Lakes Task Force, the distinguished Senator from Michigan and myself want to take this opportunity to reiterate our support for a program of great interest to our colleagues from the Great Lakes states.

Section 516(c) of the Water Resources Development Act of 1996 authorizes the Army Corps of Engineers to construct sediment transport models for major tributaries of the Great Lakes. This is a project aimed at the prevention end of a complex of sediment-related problems in the Great Lakes region—problems which are costing this country millions of dollars each year to remediate. The potential benefits of these models are such that they will pay for themselves in terms of reduced dredging and disposal costs. The benefits of

the program are well-recognized nationally; the program is being used as a template for a similar authorization for the Upper Mississippi river system. In addition to their uses to the Corps of Engineers in planning for dredging needs of the region and development of cost-effective alternatives to dredging, the tributary transport models are made available to local, state and federal partners involved in nonpoint source pollution control to help target their efforts to prevent erosion which results in sedimentation of harbors and channels. A total of approximately sixty Great Lakes tributaries qualify under the authorization guidelines, 25 of which are considered high priority based on their current dredging needs.

Mr. LEVIN. Mr. President, in each of fiscal 1998 and fiscal 1999 the Congress was able to provide $500,000 for this project—funds which were spent to begin construction of models for six priority tributaries. Models of the Nemadji River, and Saginaw River have been completed, but lack of funding in fiscal 2000 has delayed completion of models of the Maumee River, Menominee River, Buffalo River, and Grand Calumet River. Plans to begin development of additional models for priority tributaries in Mill & Cascade Creeks, PA and Grand River, MI have also been delayed. With the first models just finishing completion, we are already seeing the benefits of the program. In the case of the Nemadji River model, the county government is starting to use the model to explore potential effects of changes to forestry practices in the Nemadji River watershed to reduce bank erosion and soil loss to Lake Superior. Preliminary analysis carried out on the Maumee model indicate that soil conservation can reduce future dredging and disposal costs.

We note that the House Committee has provided $500,000 in fiscal 2001 funding for the modeling program and ask the distinguished ranking member to make funding for this program a high priority in conference with the House.

Mr. DOMENICI. Mr. President, I want to thank our colleagues from the Great Lakes states for highlighting the importance of this program and its potential for long-term cost. And to the extent that resources are available, I will do my best to address the funding needs of this program in Conference.

Mr. DEWINE. I thank the chairman for his consideration and congratulate the chairman and ranking member of the Appropriations Committee for presenting the Senate with an Energy and Water Development appropriations bill which addresses so many of this nation's water resources infrastructure needs.

LOW LAKE LEVELS

Mr. DEWINE. Mr. President, I would like to ask my distinguished colleague from New Mexico and Chairman of the Energy and Water Appropriations Subcommittee, Mr. DOMENICI, if he is aware of a serious problem facing Ohio and the entire Great Lakes region. For the last 2 years, water levels in the Great Lakes have been declining rapidly. This year, the water level fell below low water datum for the first time in nearly 35 years.

Mr. DOMENICI. Mr. President, I am aware of the extreme low water level problem and understand the difficulties that the Great Lakes region is facing as a result.

Mr. DEWINE. Mr. President, dredging in Great Lakes harbors and navigation channels is authorized by reference to low water datum. During periods of extremely low water, like those today, lake levels drop below low water datum. These low water levels not only threaten to cripple Great Lakes industries that depend on waterborne transportation, but they also create a serious threat to the safety of the thousands of recreational and commercial boaters on the Lakes. Would my colleague from New Mexico agree that the Corps should ensure minimal operation depths consistent with the original authorized depths and current use of the channels and harbors when Great Lakes water levels are below the International Great Lakes Datum of 1985?

Mr. DOMENICI. Mr. President, I believe that the corps should work toward this goal recognizing the constrained nature of the operation and maintenance budget recommended for fiscal year 2001 and existing traffic using the system.

GREAT LAKES REMEDIAL ACTION PLANNING ASSISTANCE AND SEDIMENT REMEDIATION TECHNOLOGY DEMONSTRATIONS

Mr. LEVIN. Mr. President, as the Senate considers the Fiscal Year 2001 Energy and Water Development Appropriations, we would like to bring to the attention of the distinguished chairman and ranking member the critical problem which the Great Lakes region faces in dealing with a legacy of sediment contamination.

In 1987, the International Joint Commission designated 43 Areas of Concern on the Great Lakes where human use of the aquatic resources is severely impaired. Of the 31 U.S. sites, none have been cleaned up to the point of de-listing in the 13 years which have passed since listing. In most cases, the remaining recalcitrant problem is sediments which are contaminated with persistent toxic substances.

Mr. DEWINE. Mr. President, the Army Corps of Engineers plays a key role in addressing the contaminated sediments problem in the Great Lakes region. Section 401 of the Water Resources Development Act of 1990 authorized the Corps of Engineers to provide technical assistance to the Remedial Action Planning Committees for each of the Areas of Concern. This technical assistance is critical to developing a cost-effective and scientifically sound approach to cleanup. One of the largest obstacles to cleanup of contaminated sediments in the Great Lakes region is the lack of availability of alternative technologies for remediation of contaminated sediments. The Water Resources Development Act of 1996 amended Section 401 allowing technical assistance funds to be used for the development and demonstration of promising new remediation technologies.

Since 1990, Congress has provided a total of just $3.25 million for the Section 401 program. Funding has never exceeded $500,000 in any fiscal year, a level far too low to support even a single technology demonstration while maintaining key technical assistance capabilities.

We note that the House Committee has provided $600,000 in fiscal 2001 funding for the Section 401 Program. While we welcome the prospect of this increase, even at this level funding remains woefully short of the amount needed for this key component of our regional battle to address the problem of sediment contamination in the Great Lakes. We ask the distinguished chairman and ranking member to make funding for this program a high priority in conference with the House and within any additional funding which may become available.

Mr. DOMENICI. Mr. President, I want to thank our colleagues from the Great Lakes States for highlighting the importance of this program. To the extent that resources are available, I will do my best to address the funding needs of this program in conference.

GLOBAL AIDS AND TUBERCULOSIS RELIEF ACT OF 2000

Mr. MOYNIHAN. On August 19, 2000, President Clinton signed into law bipartisan legislation that pledges more than $400 million to fight AIDS and other infectious diseases in Africa and around the world.

There are few greater crises that face us today than the AIDS pandemic. Alarming statistics are reported from around the globe. In Africa, more than 13 million people have died from AIDS, and an estimated 24.5 million are infected with the human immunodeficiency virus HIV. More than 1 in 3 adults in Botswana are HIV-positive. Burma and Cambodia have recently had the sharpest increases in the rate of infection. In Haiti, more than 1 in 20 adults are infected.

The XIII International AIDS Conference in South Africa was defined by the fact that 90 percent of those infected with HIV do not have the means to pay for the drugs to treat it. The epidemic is fueled by poverty, poor health, illiteracy, malnutrition, and gender bias. These are the same problems that developing nations have struggled with for many years. But even more urgency becomes warranted as these factors contribute to the exponential growth of an epidemic.

According to AIDS expert Peter Godwin, an epidemic requires specific responses in three areas: long-term protection of vulnerable populations; short-term relief and rehabilitation of those in crisis; and the strengthening

of basic institutions against future shocks to come. Each of these responses comprises an infinite number of sub-components.

The Senate's passage of this bill is remarkable. But our work has just begun. According to the Joint United Nations Program on HIV/AIDS, Asia has reached a critical point in the development of the AIDS epidemic. Though India has a relatively low infection rate, it has more than four million cases and is now the nation with the largest number of HIV cases in the world. In Africa, the U.N. has predicted that half of all 15-year-olds in the African countries worst affected by AIDS will eventually die of the disease, even if the rates of infection drop substantially in the next few years. Sandra Thurman, the director of the Clinton administration's anti-AIDS effort, put it best: ''We are at the beginning of a pandemic, not the middle, not the end.''

On February 3, Mr. FEINGOLD and I introduced S. 2032, the Mother-to-Child HIV Prevention Act of 2000. This bill has been included in this assistance package and will authorize $25 million to bolster intervention programs, which include voluntary counseling and testing, antiretroviral drugs, replacement feeding, and other strategies.

At the beginning of this year, a score of bills were introduced by my colleagues in this body. Some proposals were more ambitious than others. No single proposal would have been a complete solution. Neither is the relief package before us. But each was an approach that did not require waiting for a cure. And each could make a difference. I hope this momentum will not face—but instead, grow internationally and exponentially—and that we will not become fatigued by this most formidable challenge.

IN MEMORY OF SENATOR PAUL COVERDELL

Mr. CRAPO. Mr. President, I rise to pay tribute to my esteemed colleague, Paul Coverdell. I join with my colleagues in expressing sadness at his passing. He was a tremendous leader in the Senate and an asset for Georgians and the rest of the country. His years of exemplary public service have included the military, the Peace Corps, the Georgia statehouse, and finally the U.S. Senate. Senator Coverdell was an effective leader and demonstrated many times his unifying influence in the Senate.

On a personal level, he was an unpretentious man who had a quiet sense of humor and good mind for details. He was instrumental in helping me make the transition from the U.S. House to the Senate a couple of years ago, and provided insight and advice in everything from how to set up a Senate office to how to make time for my family. There is not a day that goes by that his influence in my Senate career has not been felt.

Paul was a friend and a model statesman. He spent a lifetime of service to his country. I will miss him dearly. I extend my prayers to his wife, Nancy, and the rest of his family.

CONGRESSIONAL BUDGET OFFICE REPORT

SENATE REPORT NO. 106–373

Mr. MURKOWSKI. Mr. President, at the time Senate Report No. 106–373 was filed, the Congressional Budget Office report was not available. I ask unanimous consent that the report which is now available be printed in the CONGRESSIONAL RECORD for the information of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—SEPTEMBER 1, 2000

S. 1612—Missouri River Basin, Middle Loup Division Facilities Conveyance Act

As reported by the Senate Committee on Energy and Natural Resources on August 25, 2000

SUMMARY

S. 1612 would direct the Secretary of the Interior to convey certain facilities, lands, and rights to the Farwell Irrigation District, the Sargent Irrigation District, and the Loup Basin Reclamation District, in the state of Nebraska. Under the bill, these districts would pay the federal government about $2.8 million for the Sherman Reservoir, Milburn Diversion Dam, Arcadia Diversion Dam, related canals and lands, and other associated rights and interests currently owned by the United States.

Based on information from the Bureau of Reclamation, CBO estimates that enacting S. 1612 would result in net receipts of about $1.3 million over 2001–2005 period; $2.8 million in asset sale receipts, offset by $1.5 million of forgone offsetting receipts over that period.

Because enacting S. 1612 would affect direct spending, pay-as-you-go procedures would apply. CBO estimates a net pay-as-you-go cost of $1.5 million over the 2001–2005 period, reflecting the forgone offsetting receipts. The asset sale receipts would not count for pay-as-you-go purposes because the sales of assets under S. 1612 would result in a net financial cost (on a present value basis) to the federal government.

CBO estimates that implementing this bill would have no net effect on discretionary spending in 2001, but would result in a very small decrease in discretionary spending each year thereafter.

S. 1612 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The conveyance provided for in this bill would be voluntary on the part of the districts, and all costs incurred by them as a result of the conveyance also would be voluntary.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 1612 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars				
	2001	2002	2003	2004	2005
CHANGES IN DIRECT SPENDING					
Asset Sale Receipts:					
Estimated Budget Authority	−2.8	0	0	0	0
Estimated Outlays	−2.8	0	0	0	0
Forgone Offsetting Receipts:					
Estimated Budget Authority	0.3	0.3	0.3	0.3	0.3
Estimated Outlays	0.3	0.3	0.3	0.3	0.3
Net Changes:					
Estimated Budget Authority	−2.5	0.3	0.3	0.3	0.3
Estimated Outlays	−2.5	0.3	0.3	0.3	0.3

BASIS OF ESTIMATE

For the estimate, CBO assumes that S. 1612 will be enacted near the start of fiscal year 2001. We expect that the project would be conveyed to the districts in fiscal year 2001. The bill would require the water districts to pay about $2.8 million for the facilities that would be conveyed.

Currently, those districts have fixed repayment and water service contracts with the Bureau. Those contracts result in payments of about $300,000 a year through 2016 and about $130,000 a year over the remaining life of the contract (through 2042). Once the assets are conveyed to the districts, those repayments would no longer occur, and would result in a loss of offsetting receipts to the federal government. In addition, customers of the Western Area Power Administration (WAPA) are scheduled to pay a total of $29 million to the government over the 2036–2042 period to assist with the repayment of the cost of these facilities. Enactment of S. 1612 would lead to a loss of these receipts as well.

S. 1612 would direct the Western Area Power Administration (WAPA) to transfer $2.6 million of receipts from the sale of electricity at the Pick-Sloan Missouri River Basin project to the reclamation fund at the time of the transfer or as soon as certain conditions are met. That intergovernmental payment would represent the net present value of $29 million in payments that WAPA customers owe to the government under current law over the 2036–2042 period. The bill specifies that WAPA shall not increase the electricity rates to offset this payment; consequently, this provision would have no budgetary effect.

Based on information from the Bureau of Reclamation, CBO estimates that the agency currently spends less than $60,000 each year for expenses related to the projects to be conveyed under S. 1612. After the projects are conveyed, these expenses would no longer be incurred, resulting in a small savings to the government. However, in the year of the conveyance, CBO expects that the bureau would spend about the same amount to administer the conveyance, rsulting in not change in discretionary spending in 2001.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. Enactment of S. 1612 would result in the loss of offsetting receipts of $0.3 million annually over the 2001–2010 period, and additional amounts later. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal year, in millions of dollars										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	010
Changes in outlays	0	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3
Changes in receipts	Not applicable										

Under the Balanced Budget Act (BBA), proceeds from nonroutine asset sales (sales that are not authorized under current law) may be counted for pay-as-you-go purposes only if the sale would entail no financial cost to the government. Under BBA, ''financial cost to the government'' is defined in terms of the present value of all cash flows associated with an asset sale. CBO estimates that the sale of the Sherman Reservoir, Milburn Diversion Dam, Arcadia Diversion Dam, and all other associated rights and interests as specified in S. 1612 would result in a net cost to the federal government of about $0.4 million. Therefore, the proceeds of this sale would not be counted for pay-as-you-go purposes. The forgone offsetting receipts resulting from this asset sale—less than $500,000 annually—would be counted for purposes of enforcing pay-as-you-go procedures.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

S. 1612 contains no intergovernmental mandates as defined in UMRA. The bill would require the districts to pay approximately $2.8 million to receive title to federal facilities, and would impose a number of other conditions. The conveyance would be voluntary on the part of the districts, however, and all costs incurred by them as a result would be voluntary. The bill would impose no costs on any other state, local, or tribal governments.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

This bill contains no new private-sector mandates as defined in UMRA.

PREVIOUS CBO ESTIMATE

On September 1, 2000, CBO transmitted a cost estimate for H.R. 2984, a bill to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska, as ordered reported by the House Committee on Resources on June 21, 2000. These two pieces of legislation are similar and our costs estimates are the same.

Estimate Prepared by: Federal Costs: Lisa Cash Driskill (226–2860); Impact on State, Local, and Tribal Governments: Marjorie Miller (225–3220); and Impact on the Private Sector: Sarah Sitarek (226–2940).

Estimate Approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. MURKOWSKI. Mr. President, at the time Senate Report No. 106–324 was filed, the Congressional Budget Office report was not available. I ask unanimous consent that the report which is now available be printed in the CONGRESSIONAL RECORD for the information of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JULY 24, 2000

S. 2071—Electric Reliability 2000 Act

As passed by the Senate on June 30, 2000

SUMMARY

S. 2071 would establish new standards and procedures for regulating the reliability of the nation's electricity transmission system. It would authorize the Federal Energy Regulatory Commission (FERC) to adopt and enforce reliability standards that would apply to all users of bulk power, including federal agencies. The bill also would establish the terms and conditions under which those regulatory functions would be delegated to a private electric reliability organization (ERO) and its regional affiliates. Rule adopted by the ERO regarding reliability, governance, and funding would be subject to FERC approval, and would be enforceable by both the ERO and FERC.

S. 2071 would require membership in the ERO and the appropriate regional affiliate for any company that operates any part of the bulk power system in the United States. Finally, costs incurred by the ERO and its regional affiliates would have to be recovered by assessments that CBO assumes would ultimately be paid by electricity consumers.

In CBO's view, the cash flows of the ERO and its regional affiliates should appear in the federal budget because their regulatory, enforcement, and assessment authorities would stem from the exercise of the sovereign power of the federal government. We expect that it would take about one year for those cash flows to begin. Under S. 2071, CBO estimates that over the 2002–2005 period, direct spending would total $420 million and governmental receipts (revenues) would total $309 million, net of income and payroll tax offsets. Because the bill would affect direct spending and receipts, pay-as-you-go procedures would apply.

In addition, we estimate that implementing this bill would cost $2 million annually, starting in 2002, subject to the availability of appropriated funds. Those costs would be incurred by the government's three power marketing administrations (PMAs) that are funded by annual appropriations.

S. 2071 contains three mandates that would affect both intergovernmental and private-sector entities and an additional intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). While there is some uncertainty about how fees will be assessed, CBO estimates that the costs of those mandates would begin in 2002 but would not exceed the thresholds established in UMRA. (The thresholds are $55 million for intergovernmental mandates and $109 million for private-sector mandates in 2000, and are adjusted annually for inflation).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 2071 is shown in the following table. The costs of this legislation fall within budget function 270 (energy).

	By Fiscal Year, in Millions of Dollars					
	2000	2001	2002	2003	2004	2005
CHANGES IN DIRECT SPENDING						
Estimated Budget Authority	0	0	102	104	106	108
Estimated Outlays	0	0	102	104	106	108
CHANGES IN REVENUES						
Estimated Revenues	0	0	75	77	78	79
SPENDING SUBJECT TO APPROPRIATION						
PMA Spending Under Current Law:						
Estimated Authorization Level [1]	187	193	198	204	209	213
Estimated Outlays	214	206	198	201	206	210
Proposed Changes:[2]						
Estimated Authorization Level	0	0	2	2	2	2
Estimated Outlays	0	0	2	2	2	2
PMA Spending Under S. 2071:						
Estimated Authorization Level	187	193	200	206	211	215
Estimated Outlays	214	206	200	203	208	212

[1] The 2000 level is the amount appropriated for that year. The 2001–2005 levels reflect anticipated inflation.

[2] The increase in PMA spending would be offset by increased collections, following PMA rate increases.

BASIS OF THE ESTIMATE

For this estimate, CBO assumes that S. 2071 will be enacted by the beginning of fiscal year 2001 and that a private organization will be designated as the ERO by the beginning of fiscal year 2002. We also assume that the cash flows of the ERO and it's regional affiliates would appear on the federal budget because of the governmental nature of its activities and the degree of governmental control over the ERO.

Direct spending

CBO estimates that implementing S. 2071 would result in new direct spending by the ERO and its affiliates, and also would affect the net outlays and receipts of the Tennessee Valley Authority (TVA) and the Bonneville Power Administration (BPA).

Electric Reliability Organization. S. 2071 would direct the ERO and its affiliates to levy assessments to cover the cost of their activities. Such assessments would be classified as revenues (as explained below). Funds collected through such assessments could be spent without further appropriation. Hence, such outlays would be classified as direct spending.

Based on information from the North American Electric Reliability Council (NERC), CBO estimates that the newly formed ERO and its regional affiliates would spend between $75 million and $150 million a year. For this estimate, CBO assumes that spending by the ERO and its regional affiliates would start at $100 million a year and increase by the rate of anticipated inflation. NERC and its regional councils currently spend about $45 million annually for voluntary measures related to reliability in the United States, all of which is covered by fees paid by most users of the bulk power system. According to NERC, spending by the new ERO and its affiliates would more than double because of the additional workload associated with implementing mandatory reliability standards, such as developing software, monitoring the transmission grid, auditing companies, and writing and enforcing standards. Costs also are expected to increase because of the additional building space needed to accommodate increases in staff.

Annual spending could exceed the $100-million level assumed in this estimate, especially if the regional affiliates used assessments to facilitate investments in facilities needed to implement the reliability standards. For this estimate, however, CBO assumes that infrastructure investments would made by the private sector without the involvement of the ERO or its affiliates.

Federal Power Agencies. CBO estimates that S. 2071 would increase direct spending by TVA and BPA by $2 million a year over the 2002–2005 period, but would eventually result in higher offsetting receipts once those federal agencies adjust their electricity prices to reflect any increase in fees charged by an ERO or its affiliates.

Requiring TVA and BPA to pay higher assessments should have no net effect on direct spending over time, but is likely to increase spending in the near term because of the timing of planned rate adjustments. Together, these two agencies currently pay a total of about $1 million to NERC and its regional affiliates. CBO assumes that, under this bill, the agencies would pay fees to the

ERO and its affiliates instead of NERC and that the net increase in assessments would be about $2 million a year, starting in 2002. Based on the agencies' current plans, we expect that these added expenses would not be reflected in TVA's or BPA's electricity prices until the next cycle of rate adjustments, which are expected to occur after 2005.

Repayments of amounts appropriated for ERO fees paid by the Western, Southwestern, and Southeastern PMAs should increase offsetting receipts relative to current law, but those changes are not included in this estimate because they would be contingent upon an increase in discretionary spending.

Revenues

The bill would affect revenues by authorizing the ERO to collect mandatory assessments from the electricity industry to pay for activities related to the bill and by authorizing the ERO and FERC to collect penalties for noncompliance with reliability standards.

Mandatory Assessments. S. 2071 would require the ERO and its regional affiliates to fund reasonable costs related to implementation or enforcement of reliability standards through assessments. CBO estimates that these organizations would collect about $100 million in 2002, and similar inflation-adjusted amounts in subsequent years. FERC would be required to review the costs and allocation of such assessments.

The amount of the assessments, however, do not represent the total change to government receipts that would occur as a result of the legislation. The assessments add to the costs of the electricity industry, which is expected to pass them forward to consumers in prices. But as long as the nation's total output (gross domestic product, or GDP) remains at the levels assumed in the budget resolution, consumers would have to absorb the additional costs by spending less on other goods and services in the economy. As less in spent in other sectors of the economy, the overall effect would be a reduction in the level of profits and wages paid relative to total GDP. Corporate and individual income taxes and payroll taxes would shrink accordingly. CBO estimates that the decline in income and payroll tax receipts would equal 25 percent of the total amount of the ERO assessments. Hence, the net impact on receipts to the government from this change would only be 75 percent of the amount.

Penalties. The bill would allow both the electric reliability organization and FERC to charge civil penalties for noncompliance with the new reliability standards. CBO expects that the ERO and its regional affiliates would retain and spend any penalties it collects and that any amounts collected would be classified as government receipts. CBO estimates that any increase in revenues resulting from these civil penalties would not be significant.

Spending subject to appropriation

The bill would impose new discretionary costs on FERC and three of the Department of Energy's power marketing administrations. The impact on FERC, however, would have no budgetary impact because it collects fees to offset its costs. CBO estimates that implementing S. 2071 would cost $2 million a year, starting in 2002, for payments by the PMAs to the ERO.

FERC. CBO expects that S. 2071 would increase FERC's workload because of the additional regulatory and oversight activities required by the bill. We also expect that FERC would adopt and enforce interim reliability standards before the ERO is established. Once the ERO is established, FERC would have to review all proposed rules and changes to the entity's governance and budget, and help enforce its actions on users of the bulk power system. Based on information from FERC, CBO estimates these new responsibilities would cost about $5 million per year. Because FERC recovers 100 percent of its costs through user fees, any change in its administrative costs would be offset by an equal change in the fees that the commission charges. Hence, we estimate that the provisions affecting FERC's workload would have no net budgetary impact. Because FERC's administrative costs are limited in annual appropriations, changes to FERC's budget under S. 2071 would not affect direct spending or receipts.

Federal Power Marketing Administrations. CBO expects that all of the federal power agencies would pay assessments levied by the ERO and its affiliates. For three of the PMAs—Western, Southwestern, and Southeastern—such payments would be funded by appropriations, but under current law those costs would have to be repaid by the PMAs' proceeds from the sale of electricity. Hence, such discretionary expenditures would be offset, over time, by an increase in offsetting receipts, which are classified as direct spending. Currently, the three PMAs are members of NERC, the industry organization that sets voluntary standards for reliability of the bulk power system, and its regional councils. Fees paid by the three PMAs to NERC and its regional councils currently total about $1 million a year. CBO expects that, under this bill, the PMAs would no longer pay those fees to NERC, but instead would pay new higher fees to the ERO and its regional affiliates. CBO estimates that implementing S. 2071 would increase the net cost of those fees by about $2 million a year, starting in 2002.

PAY-AS-YOU-GO CONSIDERATIONS

The Balance Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. CBO estimates that S. 2071 would affect both direct spending and receipts; therefore, pay-as-you-go procedures would apply. The estimated changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal year, in millions of dollars										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Changes in outlays	0	0	102	104	106	108	110	110	114	116	118
Changes in receipts	0	0	75	77	78	79	81	82	84	85	87

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 2071 contains three mandates that affect both intergovernmental and private-sector entities and an additional intergovernmental mandate as defined in UMRA. CBO estimates that the costs of those mandates would be incurred beginning in 2002 but would not exceed the thresholds established in UMRA. (The thresholds are $55 million for intergovernmental mandates and $109 million for private-sector mandates in 2000, and are adjusted annually for inflation).

First, the bill would require all users of the bulk power system to abide by standards set by the ERO, or until the ERO is designated, by standards approved by FERC. The bill defines 'bulk power system user' as an entity that sells, purchases, or transmits electric energy over the bulk power system (i.e., the electric transmission grid); that owns, operates, or maintains facilities or control systems within that bulk power system; or that is a system operator. Users of the bulk power system include intergovernmental entities such as municipally owned utilities as well as private-sector entities such as utilities, nonutility generators, and marketers. Users who violate ERO standards would be subject to financial penalties.

Currently, reliability is promoted through NERC, a voluntary organization. According to the American Public Power Association (APA), Edison Electric Institute, and the Electric Power Supply Association, virtually all state and local government entities and private-sector users of the bulk power system included under the bill's definition of 'bulk power system user' voluntarily comply with NERC standards. For those entities, the mandate to comply with FERC or ERO standards would impose no significant additional costs in the short term relative to current practice because neither FERC nor the ERO is expected to significantly change current standards. In the future, market conditions may prompt the ERO to impose stricter standards to maintain reliability. In that case, costs for entities that could otherwise elect to disregard NERC standards could increase. CBO cannot predict how or when the ERO might change its standards.

Second, the bill would require each system operator (which NERC interprets to be a transmission owner or an independent controller of transmission) to become a member of the ERO and any regional affiliate to which the ERO delegates its authority. The mandate on the system operators to become a member of the ERO and its regional affiliate would impose no significant costs.

Third, the bill would direct the ERO and each regional affiliate to assess fees sufficient to cover the costs of implementing and enforcing ERO standards. Those fees would be considered a mandate under UMRA. According to NERC and the 10 current regional reliability councils, NERC and the regional councils collected approximately $45 million in 2000 from U.S. entities for reliability. (Their current budget, including Canadian utilities, is $48 million.) Based on information from NERC, CBO estimates that the newly formed ERO and its regional affiliates would spend anywhere from $75 million to $150 million a year. CBO estimates that the combined annual budget for the ERO and the new regional affiliates would be about $100 million in 2002 (and would grow with inflation), to cover the additional responsibilities created by the bill for compliance, monitoring, and enforcement. However, the bill does not specify who would pay these fees, only that the fees should take into account the relationship of costs to each region and reflect an equitable sharing of those costs among all electric energy consumers.

While there is some uncertainty about how fees would be assessed, the most likely scenario is that the ERO and its regional affiliates would assess fees only on its members. This is the current practice of NERC and the regional councils, and NERC expects that ERO would assess fees only on members under S. 2071. In that case, depending on how fees are allocated among members, CBO estimates that of the additional costs of the ERO and regional affiliates ($55 million each

year), roughly 80 percent to 85 percent would be paid by entities in the private sector and another 10 percent to 14 percent would be paid by state and local government entities. (The remainder would be paid by federally owned entities.)

Finally, the bill would preempt the authority of any state to take action to ensue the safety, adequacy, and reliability of electric service if NERC determines that action to be inconsistent with ERO standards. To the extent that states currently have jurisdiction to regulate electric service, the preemption in S. 2071 would be a mandate under UMRA. Based on information from APA and the National Association of Regulatory Utility Commissioners, CBO estimates that this preemption would impose no significant costs on state, local, or tribal governments.

Estimate Prepared by: Federal Costs: Lisa Cash Driskill and Kathleen Gramp; Federal Revenues: Mark Booth; Impact on State, Local, and Tribal Governments: Victoria Heid Hall; and Impact on the Private Sector: Gail Cohen.

Estimate Approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis and G. Thomas Woodward, Assistant Director for Tax Analysis.

Mr. MURKOWSKI. Mr. President, at the time Senate Report No. 106–173 was filed, the Congressional Budget Office report was not available. I ask unanimous consent that the report which is now available be printed in the CONGRESSIONAL RECORD for the information of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE, PAY-AS-YOU-GO ESTIMATE, JULY 14, 2000

S. 986—Griffith Project Prepayment and Conveyance Act

As cleared by the Congress on July 10, 2000

S. 986 would direct the Secretary of the Interior, acting through the Bureau of Reclamation (Bureau), to convey the Robert B. Griffith Water Project to the Southern Nevada Water Authority (SNWA). The transfer would occur after the SNWA pays about $112 million to the Bureau to meet its outstanding obligations under an existing repayment contract with the federal government.

CBO estimates that enacting S. 986 would yield a net increase in asset sale receipts of $103 million in 2001, but that this near-term cash savings would be offset by the loss of other offsetting receipts over the 2002–2033 period.

CBO's estimate of the impact of S. 986 on direct spending is shown in the following table. The change in outlays resulting from this legislation would fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Changes in outlays	0	−103	9	9	9	9	9	9	9	9	9
Changes in receipts											

Not applicable

Based on information from the SNWA and the Bureau, CBO expects that the authority will make the prepayment during fiscal year 2001, and that the formal project conveyance will be completed during fiscal year 2002.

S. 986 would direct the Secretary of the Interior to sell the Griffith Project to the SNWA for a one-time payment of about $121 million. The legislation would allow the sales price to be adjusted for any payments made after September 15, 1999, and before the project transfer is completed. According to the Bureau, the SNWA has made a payment of about $9 million during fiscal year 2000. Thus, CBO expects a payment of about $112 million to occur during fiscal year 2001 and estimates that those receipts would be offset by the loss of currently scheduled repayments of about $9 million a year between 2001 and 2022 and $6 million a year between 2023 and 2033.

Under the Balanced Budget Act, proceeds from nonroutine asset sales (sales that are not authorized under current law) may be counted for pay-as-you-go purposes only if the sale would entail no financial cost to the government. Based on information from the Bureau, CBO estimates that the sale proceeds would exceed the present value of the repayment stream currently projected to accrue from the Griffith Project; therefore, selling the project would result in a net savings for pay-as-you-go purposes.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

VICTIMS OF GUN VIOLENCE

Mr. GRAHAM. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 8, 1999:

Frederick Boone, 37, Baltimore, MD; Franklin Brown, 41, Seattle, WA; Rico Brown, 25, Baltimore, MD; Antonio Daniely, 24, Atlanta, GA; Anthony Harris, 17, Cincinnati, OH; Bruce A. Howard, 35, Madison, WI; Fred Miller, 76, St. Louis, MO; Victor Manuel Rios-Baheva, 35, Salt Lake City, UT; Robert Somerville, 21, Baltimore, MD; Robert Winder, Jr., 23, Baltimore, MD; Unidentified Male, 19, Norfolk, VA.

One of the gun violence victims I mentioned, 41-year-old Franklin Brown of Seattle, was shot and killed by a stranger who approached him in the street and started an argument. Franklin died from several gunshot wounds to his back.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 7, 2000, the Federal debt stood at $5,680,707,239,455.93, Five trillion, six hundred eighty billion, seven hundred seven million, two hundred thirty-nine thousand, four hundred fifty-five dollars and ninety-three cents.

One year ago, September 7, 1999, the Federal debt stood at $5,654,527,000,000, Five trillion, six hundred fifty-four billion, five hundred twenty-seven million.

Five years ago, September 7, 1995, the Federal debt stood at $4,968,652,000,000, Four trillion, nine hundred sixty-eight billion, six hundred fifty-two million.

Ten years ago, September 7, 1990, the Federal debt stood at $3,236,567,000,000, Three trillion, two hundred thirty-six billion, five hundred sixty-seven million, which reflects an increase of almost $2.5 trillion—$2,444,140,239,455.93, Two trillion, four hundred forty-four billion, one hundred forty million, two hundred thirty-nine thousand, four hundred fifty-five dollars and ninety-three cents, during the past 10 years.

ADDITIONAL STATEMENTS

BACK TO SCHOOL

● Mr. LEVIN. Mr. President, all over America, young people are back in schools. A record 53 million students are in our classrooms and teachers across the country are gearing up to prepare them for the new millennium. In many ways, teachers are doing what they always have at the start of a new school year—they are learning names, starting curriculums, passing out text books and coaching athletic teams. There is nothing highly unusual about recent new school years except that teachers are more concerned for their safety than they were in the past.

Over the last few years, the number of high profile school shootings—in Jonesboro, Arkansas, Littleton, Colorado, and Mt. Morris Township, Michigan—have changed Americans' perception of safety in school. On the last day of school in Lake Worth, Florida, a 13 year old boy allegedly shot and killed his language arts teacher with a .25-caliber handgun he brought to school.

Teachers in this country fear what may happen to them in the classroom and for good reason. Listen to this middle school teacher in Michigan, who participated in a study conducted by Dr. Ron Astor, an assistant professor of

social work and education at the University of Michigan in Ann Arbor. The teacher said:

''A lot of us are afraid. You come in the morning and you're just afraid to even go to work. You're just so stressed out, because you're all tensed up, you can't feel happy and teach like you want to because you've got to spend all of your time trying to discipline. You're scared somebody's going to walk in. We keep our doors locked. We have to keep our doors locked.'' Middle school teacher. (Meyer, Astor & Behre, 2000).

Teachers, students, and staff are fearful of the presence of firearms in school and those of us who feel strongly about education and school safety feel we must do something to ease their fears. During the last few years, we have continually tried to close the loopholes in our laws that give young people access to firearms. In May of 1999, the Senate passed the juvenile justice bill with common sense amendments that would have strengthened our gun laws. After the House passed its version of the bill, the legislation went to a conference committee where Senators and Representatives were supposed to work out the differences between their two versions of the bill. Unfortunately, that conference committee has met only once and that was more than a year ago.

In the United States, another ten young people are killed by firearms each day. Congress must pass sensible gun laws and help keep our schools safe.●

DUQUESNE UNIVERSITY SCHOOL OF PHARMACY

● Mr. SANTORUM. Mr. President, I rise today to congratulate the Duquesne University School of Pharmacy on its 75th anniversary. Since September 21, 1925, the school has made valuable contributions to our nation by training thousands of pharmacists who serve the healthcare needs of our communities.

The mission of the School of Pharmacy, Mr. President, is to prepare students for life-long learning and careers in the profession of pharmacy. The school accomplishes this through outcome competency-based programs with an emphasis on appreciation for ethical and spiritual values. Moreover, the school conveys to students a foundation in the pharmaceutical, administrative, social and clinical sciences which are the bases for pharmaceutical care and research. Students, furthermore, acquire the ability to think critically and communicate effectively; and to understand personal, professional and social responsibilities.

Mr. President, it is with these ideas in mind that I ask my colleagues to join with me in congratulating the Duquesne University School of Pharmacy for its invaluable service to our nation. The health of our friends, families and neighbors is dependent on the diligent work of schools such as this.●

A TRIBUTE TO MICHIGAN'S OLYMPIANS

● Mr. ABRAHAM. Mr. President, I rise today to recognize the 28 individuals with connections to the State of Michigan who will be representing our Nation at the XXVII Olympic Summer Games in Sydney, Australia. While I know that this is a very proud time for them and for their families, it is also a proud time for all Michiganians, and, on behalf of my constituents, I congratulate these 28 men and women on having been selected to coach or to compete as part of the United States Olympic Team.

I have many hopes for these individuals, Mr. President. My first hope is that while in Sydney they will do their best not only to bring home a medal, but also to enjoy their experience as Olympians. It goes without saying that it is an incredible honor to be an Olympian, and that these men and women have dedicated a great portion of their lives to attaining this goal, and also to winning a medal. I hope they will remember, however, that a medal is only one of many things they can take away from their time in Australia.

Secondly, Mr. President, I hope that as they compete they do not forget the millions and millions of Americans who are offering their support from the other side of the world. More importantly, I hope they do not forget the nearly 10 million Michiganians, myself included, who will be cheering just a little bit harder than the rest of them.

My final hope, Mr. President, is that these 28 Olympians achieve above and beyond the goals they have set for themselves and for their teams, whatever these goals might be, and I wish them the best of luck in doing so. With that having been said, I ask to print their names, hometowns, and the sports they will compete in or coach, in the RECORD:

Dave Simon, West Bloomfield, Rowing; Todd Martin, Lansing, Tennis; Steven Smith, Detroit, Basketball; Kate Sobrero, Bloomfield Hills, Soccer; Ann Marsh, Royal Oak, Fencing; Shelia Taormina, Livonia, Triathlon; Nick Radkewich, Royal Oak, Triathlon; Teodor Gheorge, Davison, Table Tennis; Jasna Reed, Davison, Table Tennis.

Margo Jonker, Mt. Pleasant, Softball; Shane Hearns, Lambertville, Baseball; Jon Urbaneck, Ann Arbor, Swimming; Karen Dennis, East Lansing, Track & Field; Steven Mays, Kalamazoo, Wrestling; Daryl Szarenski, Saginaw, Shooting; Mike Kinkade, Livonia, Baseball; Phil Regan, Byron Center, Baseball.

Rudy Tomjanovich, Hamtramack, Basketball; Serena Williams, Saginaw, Tennis; David Jackson, Marquette, Boxing; Jermain Taylor, Marquette, Boxing; Brian Viloria, Marquette, Boxing; Clarence Vinson, Marquette, Boxing; Ann Trombley, Saginaw, Cycling; Jame Carney, Detroit, Cycling; Jonas Carney, Detroit, Cycling; Martin Boonzaayer, Kalamazoo, Judo; Torrey Folk, Ann Arbor, Rowing.●

MESSAGE FROM THE HOUSE

At 11:51 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message also announced that the House passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4115. An act to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes.

H.R. 4678. An act to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes.

H.R. 4844. An act to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

The message further announced that pursuant to section 710(a)(2) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1709) and the order of the House of Thursday, July 27, 2000, the Speaker on Tuesday, August 15, 2000 has appointed the following members from the private sector to the Parents Advisory Council on Youth Drug Abuse on the part of the House: Ms. Judith Kreamer of Naperville, Illinois, to a 3-year term, Ms. Modesta Martinez of Bensenville, Illinois to a 2-year term, and Mr. Richard F. James of Columbus, Ohio, to a 1-year term.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4115. An act to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4678. An act to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; to the Committee on Finance.

H.R. 4844. An act to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 3021. A bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–10617. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–384, ''Andrew J. Allen Way, N.E. Designation Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10618. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–385, ''Steve Sellow Way, N.E. Designation Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10619. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–386, ''Diabetes Health Insurance Coverage Expansion Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10620. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–387, ''State Education Office Establishment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10621. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–388, ''Mail Ballot Feasibility Study Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10622. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–389, ''Drug Abuse, Alcohol Abuse, and Mental Illness Insurance Coverage Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10623. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–390, ''Mayor's Official Residence Commission Establishment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10624. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–391, ''Closing of 13th and N Streets, S.E., S.O. 98–271, Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10625. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–392, ''Extension of the Nominating Petition Time Temporary Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10626. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–395, ''Distribution of Marijuana Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10627. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–396, ''Seniors Protection Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10628. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–397, ''Environmental License Tag Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10629. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–399, ''Water and Sewer Authority Collection Enhancement Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10630. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–400, ''Conflict of Interest Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10631. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–401, ''Reinsurance Credit and Recovery Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10632. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–402, ''Closing of a Portion of a Public Alley in Square 4337, S.O. 95–94, Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10633. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–403, ''Metrobus Ticket Transfer Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10634. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–404, ''Insurance Agents and Brokers Licensing Revision Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10635. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–405, ''Surplus Note Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10636. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–406, ''Sentencing Reform Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10637. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–407, ''Insurer and Health Maintenance Organization Self-Certification Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10638. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–418, ''Freedom From Cruelty to Animal Protection Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10639. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–419, ''Insurer Confidentiality and Information Sharing Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10640. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–420, ''Captive Insurance Company Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10641. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–421, ''Adoption and Safe Families Compliance Temporary Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10642. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–422, ''United States Branch Domestication Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10643. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–423, ''Fort Stanton Civic Association Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10644. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–424, ''Real Property Equitable Tax Relief Temporary Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10645. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–425, ''Fiscal Year 2001 Budget Support Temporary Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10646. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–426, ''Driving Under the Influence Repeat Offenders Temporary Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10647. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–427, ''Public School Enrollment Integrity Temporary Amendment Act of 2000'' adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC–10648. A communication from the Chairman of the Commission For the Preservation of America's Heritage Abroad, transmitting, pursuant to law, the report of the transmittal of the Inspector General and the annual report on the system of internal accounting and financial controls in effect during fiscal year 2000; to the Committee on Governmental Affairs.

EC–10649. A communication from the Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled ''Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term'' (RIN0651-AB06) received on September 6, 2000; to the Committee on the Judiciary.

EC–10650. A communication from the Deputy Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Freedom of Information Act, Privacy Act, and Confidential Treatment

Rules'' (RIN3235–AH71) received on September 7, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10651. A communication from the Manager, Supplier and Diverse Business Relations, Tennessee Valley Authority, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Program or Activities Receiving Federal Financial Assistance'' (RIN3316–AA20) received on September 6, 2000; to the Committee on Environment and Public Works.

EC–10652. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Vermont'' (FRL #6854–8) received on September 6, 2000; to the Committee on Environment and Public Works.

EC–10653. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL #6865-9) and ''Revision to the California State Implementation Plan, South Coast Air Quality Management District, Bay Area Air Quality Management District'' (FRL #6851-8) received on September 7, 2000; to the Committee on Environment and Public Works.

EC–10654. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, the report of four items received on September 7, 2000; to the Committee on Environment and Public Works.

EC–10655. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bullhead City, Dolan Springs, Kingman, Lake Havasu City, Mohave Valley, AZ, Ludlow, CA, Boulder City, NV)'' (MM Docket No. 99–271, RM–9696, RM–9800) received on September 5 , 2000; to the Committee on Commerce, Science, and Transportation.

EC–10656. A communication from the Assistant Chief Counsel of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Fitness Procedures'' (RIN2126–AA42) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10657. A communication from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 1 of the Commission's Rules—Competitive Bidding Procedures'' (WT Doc. 97–82, FCC 00–274) received on September 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10658. A communication from the Associate Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licensees'' (WT Doc. 97–82, FCC 00–313) received on September 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10659. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Winter Pears Grown in Oregon and Washington; Establishment of Quality Requirements for the Beurre D'Anjou Variety of Pears, Correction'' (Docket Number: FV00–927–1 FRC) received on September 5, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10660. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Streamlining of the Emergency Farm Loan Program Loan Regulations'' (RIN0560–AF72) received on September 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10661. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Mediterranean Fruit Fly; Quarantined Areas, Regulated Articles, Treatments'' (Docket #97–056–18) received on September 6, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10662. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Asian Longhorned Beetle Regulations; Addition to Regulated Area'' (Docket #00–077–1) received on September 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10663. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, several documents related to regulatory programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10664. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''GREAT and NOTES'' (RIN1545 AW25, TD 8899, REG–108287–98) received on September 5, 2000; to the Committee on Finance.

EC–10665. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Special Rules Regarding Optional Forms of Benefit Under Qualified Retirement Plans'' (RIN–1545–AW27) received on September 5, 2000; to the Committee on Finance.

EC–10666. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Fourth Quarter Quarterly Interest Rates 10/1/2000'' (Revenue Ruling 2000–42) received on September 6, 2000; to the Committee on Finance.

EC–10667. A communication from the Chief of the Programs and Legislative Division, Office of the Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to the cost of Air Force Research Laboratory Support Services; to the Committee on Armed Services.

EC–10668. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Pollution Control and Clean Air and Water'' (DFARS Case 2000–D004) received on September 5, 2000; to the Committee on Armed Services.

EC–10669. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''New Mexico Regulatory Program'' (RINNM–039–FOR) received on September 6, 2000; to the Committee on Energy and Natural Resources.

EC–10670. A communication from the Director of the Civil Rights Center, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Federal Financial Assistance'' (RIN1190–AA28) received on September 5, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10671. A communication from the General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Business Loan Program; Modification to CDC Areas of Operations'' (RIN3245–AE39) received on August 17, 2000; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–620. A petition from a citizen of the State of Texas relative to immigrant workers; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted on September 7, 2000:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1536: A bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes (Rept. No. 106–399).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendment in the nature of a substitute:

S. 1925: A bill to promote environmental restoration around the Lake Tahoe basin (Rept. No. 106–400).

S. 2048: A bill to establish the San Rafael Western Legacy District in the State of Utah, and for other purposes: (Rept. No. 106–401).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2069: A bill to permit the conveyance of certain land in Powell, Wyoming (Rept. No. 106–402).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2239: A bill to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins (Rept. No. 106–403).

The following reports of committees were submitted today:

By Mr. GREGG, from the Committee on Appropriations:

Report to accompany H.R. 4690, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–404).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 3022. A bill to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THOMAS (for himself and Mr. ENZI):

S. Res. 350. A resolution expressing the sense of the Senate regarding the Republic of India's closed market to United States soda ash exports; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 3022. A bill to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District; to the Committee on Energy and Natural Resources.

NAMPA MERIDIAN IRRIGATION DISTRICT TRANSFER ACT

Mr. CRAIG. Mr. President, I am today introducing, along with my colleague, Senator CRAPO a bill to authorize the Secretary of the Interior to transfer the Bureau of Reclamation's interests in portions of the Ridenbaugh Canal system of the Boise River to the Nampa Meridian Irrigation District. The public comment period for the National Environmental Policy Act process has not been completed, and it is my intent to request a Committee hearing to discuss any issues concerning this transfer. Thus, any parties interested in this matter will have ample opportunity to express their concerns related to title transfer.

The transfer of title is not a new idea. Authority to transfer title to the All American Canal is contained in section 7 of the Boulder Canyon Project Act of 1928. General authority is contained in the 1955 Distribution Systems Loan Act. Recently, Congress passed legislation dealing with a transfer to the Minidoka Irrigation Project and the Burley Irrigation District.

The Nampa Meridian Irrigation District diverts water from the Boise River into a system of canals and laterals known as the Ridenbaugh Canal system for delivery to lands in the district and provides drainage for district lands. Since 1878 when the Ridenbaugh Canal was first constructed, Nampa Meridian Irrigation District has been responsible for operating and maintaining the delivery and drainage system, and all project costs have been paid to the federal government.

Reclamation's interests consist of only five percent (5%) of the canals, laterals and drains and associated fee title and easements in their delivery and drainage systems. These segments were constructed for the delivery and drainage of irrigation water. The purposes and uses of Reclamation's interests in these segments are to access, operate, maintain, and repair Nampa Meridian Irrigation District's irrigation and drainage systems. Reclamation has never operated or maintained any portion of the Nampa Meridian Irrigation District's delivery or drainage systems.

This project is a perfect example of the federal government maintaining only a bare title, and that title should now be transferred to the project recipients who have paid for the facilities and interests of the Nampa Meridian Irrigation District.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nampa and Meridian Conveyance Act''.

SEC. 2. CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term ''District'' means the Nampa and Meridian Irrigation District, Idaho.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) CONVEYANCE OF FACILITIES.—As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the District, in accordance with the memorandum of agreement between the Secretary and the District, dated July 7, 1999 (contract No. 1425–99MA102500), and all applicable law, all right, title, and interest of the United States in and to any portion of the canals, laterals, drains, and any other portion of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from land within the boundaries of the District.

(c) LIABILITY.—Effective on the date of the conveyance of facilities under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on prior ownership or operation of the conveyed facilities by the United States.

(d) EXISTING RIGHTS NOT AFFECTED.—

(1) NO EFFECT ON WATER RIGHTS.—No water rights shall be transferred, modified, or otherwise affected by the conveyance of facilities to the District under this Act.

(2) NO EFFECT ON CONTRACTUAL OR STATE LAW.—The conveyance of facilities and interests to the District under this Act shall not affect or abrogate any provision of a contract executed by the United States, or any State law, regarding any right of an irrigation district to use water developed in the facilities conveyed.

ADDITIONAL COSPONSORS

S. 1159

At the request of Mr. STEVENS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1399

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1399, a bill to amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the manner applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those professionals.

S. 1438

At the request of Mr. CAMPBELL, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1438, a bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1446

At the request of Mr. LOTT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1783

At the request of Mr. COCHRAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1783, a bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for inpatient longstay hospital services under the medicare program.

S. 1974

At the request of Mr. SCHUMER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1974, a bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and a tax credit for student education loans.

S. 2084

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2307

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2307, a bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island

(Mr. REED) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2580

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2580, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes.

S. 2686

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2686, a bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

S. 2700

At the request of Mr. L. CHAFEE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2764

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2764, a bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes.

S. 2868

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 2868, a bill to amend the Public Health Service Act with respect to children's health.

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 2868, supra.

S. 2884

At the request of Mr. GRAMS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2884, a bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes.

S. 3016

At the request of Mr. ROTH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 3016, to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs.

S. 3020

At the request of Mr. GRAMS, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. LEAHY), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 106

At the request of Mr. GRAMS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. Con. Res. 106, a concurrent resolution recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

S. CON. RES. 122

At the request of Mr. DURBIN, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 122, concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania, and calling for positive steps to promote a peaceful and democratic future for the Baltic region.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs.

SENATE RESOLUTION 350—EXPRESSING THE SENSE OF THE SENATE REGARDING THE REPUBLIC OF INDIA'S CLOSED MARKET TO UNITED STATES SODA ASH EXPORTS

Mr. THOMAS (for himself and Mr. ENZI) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 350

Whereas the United States had a $5.4 billion trade deficit with India in 1999, due in part to India's restrictive trade practices which keep otherwise competitive foreign goods from entering the Indian market;

Whereas United States soda ash, a chemical used predominantly in making glass, is one of the products being kept from entering the Indian market by those restrictive trade practices;

Whereas India's barriers to United States soda ash imports include a tariff which in 1997 was 35 percent, putting it among the highest in the world;

Whereas India's tariff barriers have steadily increased since 1997 by, inter alia—

(1) a 4 percent special additional tariff introduced in 1998 on nearly all imports;

(2) an additional 10 percent surcharge added to the applied existing tariff rates in 1999 on nearly all imports; and

(3) a ''customs simplification'' in 1999 which increased by 5 percent tariffs previously set at 0 percent, 10 percent, 20 percent and 30 percent rates;

Whereas India's 1999/2000 Budget has further increased the tariff on soda ash to 38.5 percent, making it the highest in the world and creating an impossible trade barrier for individual United States soda ash exporters to overcome in order to remain competitive;

Whereas India has erected further barriers to United States soda ash through the imposition of a ''temporary'' order by India's Monopolies and Restrictive Trade Practices Commission (''MRTPC''), which precludes United States producers from exporting to India through the American Natural Soda Ash Corporation (''ANSAC''), an export trading joint venture which operates in strict accordance with the provisions of the Export Trade Promotion Act of 1917 (15 U.S. Code Sec. 61 et seq.) and the Export Trading Company Act of 1982 (15 U.S. Code Sec. 4001 et seq.);

Whereas this MRTPC order effectively maintains a complete and total de facto embargo on United States soda ash exports to India;

Whereas it appears that the MRTPC order was issued at the behest of Indian soda ash producers solely to protect their local market monopoly, rather than for legitimate reasons;

Whereas, since 1995 the United States Trade Representative's (''USTR'') National Trade Estimate Report to Congress has identified India's denial of United States access to its soda ash market as a high priority;

Whereas, in January 1999, in response to an ANSAC petition, the USTR initiated a ''country practice'' petition to suspend India's duty-free benefits under the Generalized System of Preferences (''GSP'') program on the grounds that India, by virtue of the foregoing tariffs and orders, fails to provide the United States equitable and reasonable access to its soda ash market;

Whereas, on February 14, 2000, U.S. Trade Representative Barshefsky and Secretary of Commerce Daley issued a joint press release concluding that ''U.S. soda ash is being shut out of the Indian market;''

Whereas, in March 2000, in apparent response to ANSAC's efforts to open India's soda ash market, the MRTPC issued a ''show cause'' order why ANSAC representatives should not be held in criminal contempt;

Whereas the basis for that show cause order were statements made by ANSAC representatives during testimony before the USTR's GSP Subcommittee at a hearing in Washington in March 1999, which statements characterized the Indian soda ash market as closed and the actions of the MRTPC as unfair;

Whereas, the actions of the MRTPC appear to be designed to ensure that India's market remains closed to United States exports; and

Whereas the unfair closure of India's market to United States soda ash exports runs counter to the concepts of fair and free trade and to the interests of India's soda ash consumers: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that India's tariffs on United States soda ash exports are excessive and are designed solely to exclude unfairly United States producers from the Indian market;

(2) the Senate strongly urges President Clinton, the USTR and the Government of India to use the mid-September visit to Washington of India's Prime Minister Vajpayee as an opportunity to address and settle the soda ash dispute by allowing United States soda ash equitable and reasonable access to the Indian market through the ANSAC joint venture at tariff reduced rates consistent with WTO normalization levels; and

(3) the Senate calls on the President and the USTR, in the absence of such a settlement, promptly to begin the process of suspending India's GSP benefits.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on September 12, 2000 in SR–328A at 9:00 a.m. The purpose of this hearing will be to review the operation of the Office of Civil Rights, USDA, and the role of the Office of General Counsel, USDA.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 13, 2000 at 2:30 p.m. in room 485 of the Russell Senate Building for a hearing on S. 2899, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians.

PRIVILEGE OF THE FLOOR

Mr. JOHNSON. Mr. President, I ask unanimous consent that Holly Vineyard of the Finance Committee, a fellow from the Department of Commerce, be granted privilege of the floor during the remainder of the debate on H.R. 4444.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 1776

Mr. LOTT. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 1776 and the Senate then proceed to its immediate consideration.

I ask unanimous consent that all after the enacting clause be stricken and the text of S. 1452, which is a bill to modernize the requirements for the National Manufactured Housing Construction and Safety Standards Act of 1994, as passed, be inserted in lieu thereof. I further ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, the Senate insist upon its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, we have this afternoon received the response from one of our Senators who believes this bill is very close, but that he has some problems with it. We would, therefore, on behalf of this unnamed Senator, object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, let me urge Senator REID and the leadership to work with us, if he would talk with that Senator and identify what the problem might be. I know this bill has broad, I think almost unanimous, support.

I read what the bill does in its title. It would modernize the requirements for manufactured housing construction. This is in the interest of consumers. It will help the industry because it will clarify what the standards should be.

It is about safety; it is about manufactured housing construction. I have a feeling the problem is not with this bill, that it is an unrelated issue. But I hope we can work through the objection and we will come back on Monday or Tuesday of next week, I might say to Senator REID, and see if we cannot get that worked out.

Mr. REID. I say to my friend, I think it is an important piece of legislation. In Nevada, we depend very heavily on manufactured housing. We will do everything we can to see if we can get this worked out.

UNANIMOUS CONSENT REQUEST—H.R. 3615

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 525, H.R. 3615, the Rural Local Broadcast Signal Act and the Senate then proceed to its immediate consideration.

I further ask consent that all after the enacting clause be stricken and the text of S. 2097 as passed be inserted in lieu thereof. I further ask consent that the bill then be read the third time and passed, the motion to reconsider be laid upon the table, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate on this legislation.

Just so everybody in the Senate will understand, this is the rural local satellite bill. Most of us refer to it as the satellite bill. It is the bill that was developed as a result of an agreement last year to make sure that there was some way for these loans to be available so satellites could be put up in space, where those of us in rural States, smaller communities, would have access to these satellites with dishes, just like the cities have. This is an effort to keep that commitment.

I know Senator BURNS has worked very hard on this matter. I think Senator BAUCUS had a part in it. A number of Senators have worked on it. I thought this morning at 11:30 we had it cleared. I understand there was some concern that maybe we would use this bill as a vehicle for some other specific bill or bills. This is too urgent. It is too important to my State and other States such as mine to not get it done. So there will not be any extraneous matter added to this bill. This bill will come out of conference clean. If any Senator has any reservations about that, if that is why there is an objection, if there is one, I assure the Senators and the leadership that that is not going to be the way it works.

I ask unanimous consent that we be able to take that legislation up under the request I made.

The PRESIDING OFFICER. Is there objection?

Mr. REID. On behalf of Senator LEAHY, I object.

The PRESIDING OFFICER. Objection is heard.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: No. 426 through 432, 550, 598, 599, 600 through 610, 619, 620, 621, 622, 623, 625, 626 through 630, 632, 633, 657, 658, 684, and 685. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Mr. REID. Mr. President, I say to my friend, the majority leader, he failed to read No. 644 and No. 645.

Mr. LOTT. I did skip over those: Nos. 640, 644, 645, and 653 should also be included in that list.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF THE TREASURY

Larry L. Levitan, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years.

Steven H. Nickles, of North Carolina, to be a Member of the Internal Revenue Service Oversight Board for a term of four years.

Robert M. Tobias, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years.

Karen Hastie Williams, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board for a term of three years.

George L. Farr, of Connecticut, to be a Member of the Internal Revenue Service Oversight Board for a term of four years.

Charles L. Kolbe, of Iowa, to be a Member of the Internal Revenue Service Oversight Board for a term of three years.

Nancy Killefer, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board for a term of five years.

FEDERAL MARITIME COMMISSION

Delmond J.H. Won, of Hawaii, to be a Federal Maritime Commissioner for the term expiring June 30, 2002.

DEPARTMENT OF STATE

Ross L. Wilson, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

Karl William Hofmann, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Togolese Republic.

Janet A. Sanderson, of Arizona, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic and Popular Republic of Algeria.

Donald Y. Yamamoto, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

John W. Limbert, of Vermont, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Mauritania.

Roger A. Meece, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Mary Ann Peters, of California, a Creer Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

John Edward Herbst, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

E. Ashley Wills, of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Carlos Pascual, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

Sharon P. Wilkinson, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Owen James Sheaks, of Virginia, a Career Member of the Senior Executive Service, to be an Assistant Secretary of State (Verification and Compliance).

Pamela E. Bridgewater, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin.

DEPARTMENT OF TRANSPORTATION

Debbie D. Branson, of Texas, to be a Member of the Federal Aviation Management Advisory Council for a term of three years.

CORPORATION FOR PUBLIC BROADCASTING

Frank Henry Cruz, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006.

Ernest J. Wilson III, of Maryland, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2004.

Katherine Milner Anderson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006.

Kenneth Y. Tomlinson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006.

NATIONAL MEDIATION BOARD

Francis J. Duggan, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2003.

NATIONAL SCIENCE FOUNDATION

Nina V. Fedoroff, of Pennsylvania, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

Diana S. Natalicio, of Texas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

John A. White, Jr., of Arkansas, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

Jane Lubchenco, of Oregon, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2006.

Warren M. Washington, of Colorado, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Robert B. Rogers, of Missouri, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2001.

Carol W. Kinsley, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of one year.

DEPARTMENT OF STATE

Michael G. Kozak, of Virginia, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Belarus.

DEPARTMENT OF VETERANS AFFAIRS

Robert M. Walker, of West Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs. (New Position)

Thomas L. Garthwaite, of Pennsylvania, to be Under Secretary for Health of the Department of Veterans Affairs for a term of four years.

DEPARTMENT OF JUSTICE

Norman C. Bay, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

DEPARTMENT OF DEFENSE

Roger W. Kallock, of Ohio, to be Deputy Under Secretary of Defense for Logistics and Material Readiness. (New Position)

DEPARTMENT OF STATE

Joseph R. Biden, Jr., of Delaware, to be a Representative of the United States of America to the Fifty-fifth Session of the General Assembly of the United Nations.

Rod Grams, of Minnesota, to be a Representative of the United States of America to the Fifty-fifth Session of the General Assembly of the United Nations.

Mr. LOTT. Mr. President, I appreciate that we were able to get these cleared. Most of these are career service people at the State Department and finally the approval of the IRS oversight board. We are really about 9 months late on that. It is important. We have this board in place. It is bipartisan, and I am glad we have gotten it cleared. There are other positions included here where we have Republicans and Democrats, both being cleared.

I hope we will use this effort to look at the Executive Calendar and see if there are not other nominations that can be cleared, are noncontroversial or can be matched in terms of partisan divide and maybe even other nominations. I hope we do not just refuse to move any nomination at this point. There are people who need to be considered, and we will try to work on that. This was a good-faith effort on my part and Senator DASCHLE's part. It is the right thing to do with these nominations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, SEPTEMBER 11, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, September 11. I further ask unanimous consent that immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on H.R. 4444, the China PNTR bill, with the Byrd amendment regarding subsidies pending to be debated under a previous order.

Mr. REID. Reserving the right to object, I ask the majority leader, are we going to try to do an appropriations bill next week?

Mr. LOTT. Mr. President, if I can respond, we will be working with the chairman and the ranking member on that. Thank goodness, we were able to get the energy and water appropriations bill completed. I believe the DC appropriations bill will not be ready until the week after next. We still have the Commerce-State-Justice and the HUD–VA appropriations bills on which we have to make a decision as to which one will go first. There is a problem with the level of funding, the cap on funding. We are going to have to work that out.

We are looking next week at, once again, possibly dual tracking with the China PNTR during the day and an appropriations bill at night. The principal focus next week, I believe, has to be on completing work on the China PNTR bill. We are about halfway there, but we still have, I believe, about 11 or 12 amendments that have been identified that may very well require votes.

It appears I will still have to file cloture on Tuesday. I want to do whatever is necessary to try to complete that bill by Friday of next week. It may not be possible, but if it means staying on that bill during the day and night, we will look at that option, and I will consult with the leadership on the other side for the need to do that if it appears it is necessary.

Mr. REID. I also say to my friend, we keep hearing that 11 appropriations bills have not been passed. That is true. But the fact is, we have completed action on more than the three bills. Just because we did one last night does not mean we have only done three.

Mr. LOTT. Yes.

Mr. REID. I say to my friend, the majority leader, while we are working on PNTR, I would hope that there is a concerted effort to get more money to solve the funding cap. We could work out a lot of these in conference. That is what we are waiting to do.

Mr. LOTT. Right.

Mr. REID. I think the sooner we do that the better off we will be.

Mr. LOTT. As the Senator knows, we are hoping that early next week the House will take up the legislative appropriations bill coupled with the Treasury-Postal Department appropriations bill. It would be done in such a way that both sides find it acceptable. It is my understanding that the administration would sign it. So that would move two bills to the President. We hope to have that acted on in the Senate next week, hopefully by Thursday. So if that is done, that would put us then at 10 appropriations bills having been acted on by the Senate, leaving only three.

I will be working, again, as I said, with the chairman about which we would do next week, the HUD bill or CJS. And I don't know whether the HUD bill has come out of committee yet. So we are still working on that. We are still committed to getting through these appropriations bills, hopefully getting them all done through the Congress, going into conference, and hopefully down to the President before the end of the fiscal year.

Mr. REID. Mr. President, I have a couple more housekeeping matters.

I say to the majority leader, are we going to have any votes Monday?

Mr. LOTT. It is possible that we would have votes on Monday. But if we are making good progress—like this week, we didn't force votes on I guess it was Tuesday or Wednesday because we had debate, and we were able to get on the bill. We were able to get amendments done. But I would say this: If there are votes Monday, it will depend on—we were not able to get work done on amendments to the point where they could get a vote today. Votes will not occur before 5:30 or 6 o'clock. We will consult on the time. But it could be that the next votes will not occur until Tuesday morning. It just depends on whether we can get one racked up and in order.

Mr. REID. Finally, Mr. President, I say through you to the majority leader, I also hope, in the limited things that you have to do next week, that you would give some consideration to the problems that Senator LEVIN and Senator HARKIN have regarding judges. Both of these Senators have talked to Senator DASCHLE and me and are very concerned.

I know they have been in conversation with you and Senator HATCH. We hope that there can be some progress made on the requests of these two fine Senators.

Mr. LOTT. Mr. President, I just spent the last few minutes with Senator LEVIN. I understand his interest. The problem they are both interested in is in the Judiciary Committee. We will be working to see if anything could be done. It will be very hard at this point. I understand their interest. I know there is no desire to block the action of the Senate at this time. It is going to be difficult, but I certainly am going to listen to them and see what might be done. If we could keep working on it, maybe something can be worked out.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that at 1 p.m. on Monday, Senator THOMPSON be recognized to offer an amendment to H.R. 4444, and that Senator HELMS be recognized at 2:15 p.m. on Tuesday to offer an amendment to the same.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I really had hoped that we could find a way to consider Senator THOMPSON's amendment, or bill, as a separate issue. I worked throughout the month of July to do that. I even tried as late as yesterday to have it considered separately. But I was told that there would be an objection to taking it up. Then we would have to file cloture under a motion to proceed, and it would take days. If it took all that time, it actually could have displaced the China PNTR bill.

So I think that Senator THOMPSON has no option but to offer his amendment on China PNTR. It is a very serious matter. Chinese nuclear weapon proliferation is something about which we have to be concerned. And I am convinced it continues to this day. We need a way to monitor it. And there should be a way to impose sanctions if that continues.

So that issue will come up on this bill and we will have to see how it works out. I think this is going to be the toughest issue we have to face on China PNTR. There is opposition by some for other reasons, but this is one that will test the will of the Senate, I believe, in getting the work completed.

Mr. REID. Mr. Leader, having looked at the votes on this issue, the Thompson amendment, I think it would be in everyone's interest if this could be worked out so there is a separate vote on this issue, separate from this legislation. Senator THOMPSON should know that there are a number of people who have a basic support for his legislation but would vote against it because it is on this legislation. He has worked so hard on this, so I hope he can have a separate up-or-down vote on the merits, not complicated by the PNTR issue.

Mr. LOTT. I have spent a lot of time trying to find a way to do that.

PROGRAM

Mr. LOTT. Mr. President, at 12 noon the Senate will resume debate on the China trade bill, with a Byrd amendment to be debated until 1 p.m. At 1 p.m., Senator THOMPSON will be recognized to offer his amendment regarding the China nonproliferation issue. Debate on that amendment is expected to consume most of the day; however, other amendments may be offered during Monday's session.

Those Senators who have amendments are encouraged to work with the bill managers on a time to offer the amendments. Also, it is hoped that the Senate can complete action on this important trade legislation by early next week, or certainly by the end of next week. Then we will be able to move on to other issues.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 11, 2000

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:43 p.m., adjourned until Monday, September 11, 2000, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 8, 2000:

DEPARTMENT OF THE TREASURY

LARRY L. LEVITAN, OF MARYLAND, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF FIVE YEARS.

STEVE H. NICKLES, OF NORTH CAROLINA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF FOUR YEARS.

ROBERT M. TOBIAS, OF MARYLAND, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF FIVE YEARS.

KAREN HASTIE WILLIAMS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF THREE YEARS.

GEORGE L. FARR, OF CONNECTICUT, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF FOUR YEARS.

CHARLES L. KOLBE, OF IOWA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF THREE YEARS.

NANCY KILLEFER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF FIVE YEARS.

FEDERAL MARITIME COMMISSION

DELMOND J.H. WON, OF HAWAII, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2002.

DEPARTMENT OF STATE

ROSS L. WILSON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND

PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

KARL WILLIAM HOFMANN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TOGOLESE REPUBLIC.

JANET A. SANDERSON, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA.

DONALD Y. YAMAMOTO, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.

JOHN W. LIMBERT, OF VERMONT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

ROGER A. MEECE, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

MARY ANN PETERS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

JOHN EDWARD HERBST, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

E. ASHLEY WILLS, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

CARLOS PASCUAL, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO UKRAINE.

SHARON P. WILKINSON, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOZAMBIQUE.

OWEN JAMES SHEAKS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE).

PAMELA E. BRIDGEWATER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BENIN.

DEPARTMENT OF TRANSPORTATION

DEBBIE D. BRANSON, OF TEXAS, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF THREE YEARS.

CORPORATION FOR PUBLIC BROADCASTING

FRANK HENRY CRUZ, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2006.

ERNEST J. WILSON III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2004.

KATHERINE MILNER ANDERSON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2006.

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2006.

NATIONAL MEDIATION BOARD

FRANCIS J. DUGGAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2003.

NATIONAL SCIENCE FOUNDATION

NINA V. FEDOROFF, OF PENNSYLVANIA TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006.

DIANA S. NATALICIO, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006.

JOHN A. WHITE, JR., OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006.

JANE LUBCHENCO, OF OREGON, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2006.

WARREN M. WASHINGTON, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ROBERT B. ROGERS, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2001.

CAROL W. KINSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF ONE YEAR.

DEPARTMENT OF STATE

MICHAEL G. KOZAK, OF VIRGINIA, A CAREER MEMBER OF THIS SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BELARUS.

RICHARD A. BOUCHER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE A ASSISTANCE SECRETARY OF STATE (PUBLIC AFFAIRS)

DEPARTMENT OF VETERANS AFFAIRS

ROBERT M. WALKER, OF WEST VIRGINIA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS.

THOMAS L. GARTHWAITE, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS FOR A TERM OF FOUR YEARS.

THE JUDICIARY

JAMES EDGAR BAKER, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW.

DEPARTMENT OF DEFENSE

ROGER W. KALLOCK, OF OHIO, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIAL READINESS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

NORMAN C. BAY, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO, FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF STATE

JOSEPH R. BIDEN, JR., OF DELAWARE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ROD GRAMS, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.